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THE
JOURNAL OF THE SENATE

DURING THE
THIRTY-FIFTH SESSION

OF THE
LEGISLATURE OF THE STATE OF CALIFORNIA,

1903.

BEGAN ON MONDAY, JANUARY FIFTH, AND ENDED ON SATURDAY, MARCH
FOURTEENTH, NINETEEN HUNDRED AND THREE.



SACRAMENTO :

W. W. SHANNON, : : : : : SUPERINTENDENT STATE PRINTING.
1903.

THE
JOURNAL OF THE SENATE

THIRTY-SEVENTH SESSION

LEGISLATIVE OF THE STATE OF CALIFORNIA

1902



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SACRAMENTO: 1902

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CALIFORNIA LEGISLATURE—SENATE.

THIRTY-FIFTH SESSION.

IN SENATE.

SENATE CHAMBER,
Monday, January 5, 1903. }

The hour of twelve o'clock m. having arrived, Hon. Jacob H. Neff, Lieutenant-Governor and President of the Senate, called the Senators and Senators-elect to order, and announced that the thirty-fifth session of the Legislature of the State of California was about to convene, and informed the Senators that the following officers of the Senate during the thirty-fourth session of the Legislature were in their respective places in the Senate Chamber, as required by Section 237 of the Political Code: Frank J. Brandon, Secretary; D. G. Holt, Minute Clerk, appointed by the Secretary in place of E. F. Mitchell, absent from the State, and J. Louis Martin, Sergeant-at-Arms.

PRAYER.

By invitation of the President, prayer was then offered by the Rev. C. L. Miel of Sacramento.

CERTIFICATE FROM SECRETARY OF STATE.

The following certificate was received from the Secretary of State, and the President directed the Secretary to read the same:

STATE OF CALIFORNIA, }
DEPARTMENT OF STATE. {

I, C. F. Curry, Secretary of State of the State of California, do hereby certify that the following is a complete list of the hold-over Senators, together with those duly elected at the general election, held on the 4th day of November, A. D. 1902, to represent the people of the State of California, at the thirty-fifth session of the Legislature of the said State of California, as appears from the statement of vote, received from the County Clerks of the county or counties, and the Registrar of Voters of the City and County of San Francisco, comprising the several Senatorial districts of the State of California, said statement of vote being of record and on file in this office.

Witness my hand and the Great Seal of the State of California, at office in Sacramento, this 5th day of January, A. D. 1903.

[SEAL]

C. F. CURRY, Secretary of State.

NAMES OF SENATORS UNDER NEW APPORTIONMENT.

The following list of names are those annexed to above certificate:

HOLD-OVER SENATORS.

(Districts according to old apportionment.)

First District—Del Norte and Humboldt: T. H. Selvage.

Third District—Plumas, Sierra, and Nevada: John R. Tyrrell.

Fifth District—El Dorado and Placer: W. B. Lardner.

Seventh District—Lake and Napa: Robert Corlett.

Ninth District—Solano: J. J. Luchsinger.
Eleventh District—Contra Costa and Marin: C. M. Belshaw.
Thirteenth District—Sacramento: Robt. T. Devlin.
Fifteenth District—San Joaquin: A. E. Muentner.
Seventeenth District—San Francisco: J. M. Plunkett.
Nineteenth District—San Francisco: R. J. Welch.
Twenty-first District—San Francisco: Edward I. Wolfe.
Twenty-third District—San Francisco: John G. Tyrrell.
Twenty-fifth District—San Francisco: J. H. Nelson.
Twenty-seventh District—Alameda: G. R. Lukens.
Twenty-ninth District—San Mateo and Santa Cruz: J. D. Byrnes.
Thirty-first District—Santa Clara: Louis Oneal.
Thirty-third District—San Benito and Monterey: Thomas Flint, Jr.
Thirty-fifth District—Santa Barbara and Ventura: C. B. Greenwell.
Thirty-seventh District—Los Angeles: Fred M. Smith.
Thirty-ninth District—San Bernardino, Orange, and Riverside: A. A. Caldwell.

SENATORS-ELECT.

Second District—Modoc, Lassen, Siskiyou, and Shasta: Clifford Coggins.
Fourth District—Mendocino, Glenn, Colusa, and Lake: J. B. Sanford.
Sixth District—Butte, Yuba, Sutter, and Yolo: Marshall Diggs.
Eighth District—Sonoma: E. F. Woodward.
Tenth District—El Dorado, Amador, Calaveras, Alpine, and Mono: William C. Ralston.
Twelfth District—Tuolumne, Mariposa, Madera, Stanislaus, and Merced: J. B. Curtin.
Fourteenth District—Alameda: Joseph R. Knowland.
Sixteenth District—Alameda: Frank W. Leavitt.
Eighteenth District—San Francisco: Harry Bunkers.
Twentieth District—San Francisco: Frank French.
Twenty-second District—San Francisco: Hamilton A. Bauer.
Twenty-fourth District—San Francisco: George H. Williams.
Twenty-sixth District—Fresno: Chester Rowell.
Twenty-eighth District—Santa Clara: Charles M. Shortridge.
Thirtieth District—San Bernardino and Inyo: Orrin Z. Hubbell.
Thirty-second District—Kern, Tulare, and Kings: E. J. Emmons.
Thirty-fourth District—Los Angeles: William H. Savage.
Thirty-sixth District—Los Angeles: Benjamin W. Hahn.
Thirty-eighth District—Los Angeles: Cornelius W. Pendleton.
Fortieth District—San Diego: M. L. Ward.

Certificate and list of names read and ordered on file.

The President directed the Secretary to call the roll of the hold-over Senators—members from the odd-numbered districts.

ROLL CALL OF HOLD-OVER SENATORS.

The Secretary called the roll, and the following answered to their names:

Senators Belshaw, Caldwell, Corlett, Devlin, Flint, Greenwell, Lardner, Luchsinger, Lukens, Muentner, Nelson, Plunkett, Tyrrell of Nevada, Welch, and Wolfe—15.

ROLL CALL OF SENATORS-ELECT.

The Secretary called the roll of Senators-elect from the even-numbered districts, and the following answered to their names:

Senators Bauer, Bunkers, Coggins, Curtin, Diggs, Emmons, French, Hahn, Hubbell, Knowland, Leavitt, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge Ward, Williams, and Woodward—20.

The President thereupon announced that the roll call disclosed twenty Senators-elect present.

The President requested the Senators-elect to immediately present themselves at the bar of the Senate, together with their certificates of election, in order that the oath of office might be administered to them, and that they might subscribe to the same.

OATH OF OFFICE.

The Senators-elect, as their respective districts were called, then came forward, presented their certificates of election, and each took and subscribed to the following constitutional oath of office, administered by the Hon. E. C. Hart, Superior Judge of the County of Sacramento, State of California:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator, according to the best of my ability.

The President announced the qualification of all the Senators, and the Senators having assumed their seats, declared that a quorum of all the Senators was present.

APPOINTMENTS BY SECRETARY.

The Secretary of the Senate announced, by virtue of the authority vested in him by Section 237 of the Political Code, that he had made the following appointments of attachés for the temporary organization of the Senate:

Postmistress—Miss Callie Johnson.

Gatekeepers—J. T. Cullen, J. S. Hall, and J. K. Vail.

Pages—Wm. Lardner, Donn Shields, and Henry Weeks.

TEMPORARY ORGANIZATION EFFECTED.

Temporary organization having been effected, the President put the question, "What is the pleasure of the Senate?"

RESOLUTION.

The following resolution was offered by Senator Leavitt:

Resolved, That the Senate do now proceed to the election of the following statutory officers, in the order named:

President pro tem.

Secretary.

Sergeant-at-Arms.

Chaplain.

Resolution read and adopted.

The President thereupon declared nominations for the office of President pro tem. of the Senate in order.

NOMINATIONS FOR AND ELECTION OF PRESIDENT PRO TEM. OF THE SENATE.

Senator Luchsinger placed in nomination for the office of President pro tem. of the Senate, the Hon. Thomas Flint, Jr., State Senator from the Thirty-third District.

Senator Sanford placed in nomination for the office of President pro tem. of the Senate, the Hon. J. B. Curtin, State Senator from the Twelfth District.

The President put the question, "Are there any other nominations for President pro tem. of the Senate?"

There being no response, the nominations were declared closed.

The roll was called, with the following result:

For Flint—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Selvage, Shortridge, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—28.

For Curtin—Senators Bunkers, Emmons, Flint, Plunkett, and Sanford—5.

Whereupon the President declared Senator Flint duly elected President pro tem. of the Senate for the thirty-fifth session of the Legislature.

NOMINATION FOR AND ELECTION OF SECRETARY OF THE SENATE.

The President declared nominations for Secretary of the Senate in order.

Senator Rowell placed the name of Frank J. Brandon of San José in nomination for Secretary of the Senate.

The President put the question, "Are there any other nominations for the office of Secretary of the Senate?"

There being no response, nominations were declared closed.

The roll was called, with the following result:

For Brandon—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—32.

Whereupon the President declared Frank J. Brandon duly and unanimously elected Secretary of the Senate.

NOMINATION FOR AND ELECTION OF SERGEANT-AT-ARMS.

The President announced nominations for the office of Sergeant-at-Arms of the Senate in order.

Senator Shortridge placed the name of J. Louis Martin of Oakland in nomination for Sergeant-at-Arms of the Senate.

The President put the question, "Are there any other nominations for the office of Sergeant-at-Arms of the Senate?"

There being no response, nominations were declared closed.

The roll was called, with the following result:

For Martin—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—32.

Whereupon the President declared J. Louis Martin duly and unanimously elected Sergeant-at-Arms of the Senate.

NOMINATION FOR AND ELECTION OF CHAPLAIN.

The President announced nominations for the office of Chaplain of the Senate in order.

Senator Lukens placed the name of the Rev. C. L. Miel of Sacramento in nomination for Chaplain of the Senate.

The President put the question, "Are there any other nominations for the office of Chaplain of the Senate?"

There being no response, the nominations were declared closed.

The roll was called, with the following result:

For Miel—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—30.

Whereupon the President declared the Rev. C. L. Miel duly and unanimously elected Chaplain of the Senate.

OATH OF OFFICE.

By direction of the President, the officers just elected proceeded to the bar of the Senate and there took and subscribed to the following oath of office, administered by the President of the Senate:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office to which I have recently been elected, according to the best of my ability.

RESOLUTION.

The following resolution was offered by Senator Belshaw:

Resolved, That the standing rules of the Senate at the thirty-fourth session of the Legislature be and they are hereby adopted as the temporary rules of the Senate.

Resolution read, and adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luch-singer, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyr-rell of Nevada, Ward, Williams, and Wolfe—30.

NOES—None.

TEMPORARY RULES OF THE SENATE.

1. *Time of Meeting of Senate.*

The sessions of the Senate shall be daily (Sundays excepted), beginning at ten o'clock A. M., and after Monday, January 26, 1903, a recess shall be given at twelve o'clock and thirty minutes P. M. to two o'clock P. M., unless otherwise ordered by vote of the Senate.

2. *Calling to Order—Reading Journal.*

The President shall call the Senate to order at the hour stated, and, if a quorum be present, the Journal of the proceedings of the preceding day shall be read, unless otherwise ordered by vote of the Senate.

3. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approving of the Journal of the preceding day.
4. Presentation of Petitions.
5. Messages from the Assembly.
6. Messages from the Governor.
7. Motions, Resolutions, and Notices.
8. Reports of Standing Committees.
9. Reports of Select Committees.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.
14. Reports from the Committee on Enrolled and Engrossed Bills shall at all times be in order; *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

4. *President pro tem.—His Powers and Privileges.*

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

5. *The Duties of Secretary.*

1. It shall be the duty of the Secretary of the Senate to attend every day, call the roll, read all bills, amendments, resolutions, and all papers handed to him for that purpose by any member.

2. To superintend all copying and work necessary to be done for the Senate. To have supervision over all officers and employes of the Senate, other than the President of the Senate. To certify to, and transmit to the Assembly, all bills, resolutions, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct journal of the proceedings of the Senate.

4. To notify the Assembly on the concurrence or disagreement by the Senate in any vote of the Assembly.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

6. To assign to the Assistant Secretaries, and other officers, the duties pertaining to their offices.

6. Attendance, Duties, and Obligations of Senators.

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or less than a quorum thereof, shall have the power to issue process directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

7. Reading of a Paper, if Objected to, Determined Without Debate.

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

8. Senators Must Address the President.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down.

No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken shall desire to do so.

9. The Senators Entitled to Floor.

When two or more Senators rise at once, the President shall name the Senator who is to speak first.

10. Printing.

Five hundred copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator, and a number equal to the committee to which each bill is referred, and the balance shall be distributed according to law.

11. Number of Copies to be Printed.

Five hundred copies shall be printed of each document or other matter ordered, unless the Senate especially direct a different number.

12. Executive Session.

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of Senate, Secretary, Sergeant-at-Arms, and Doorkeeper to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

13. *Printing the Daily Journal.*

The Superintendent of State Printing shall print five hundred copies of the Journal of every day's proceedings of the Senate to supply Senators and Assemblymen daily, during the session, with the Journal of the previous day's proceedings; and also a sufficient number of copies, with proper repaging, to bind at the end of the session of the Legislature, in book form, as the Journal of the Senate, required by law.

14. *Committees—When to Report.*

All committees of the Senate shall report their action on all bills referred to them before January 25th within ten days, except that all bills referred to them on and after January 25th shall be reported within five days, unless otherwise specially ordered, and when such extension of time is ordered the Senate shall state the length of time, and the Secretary shall make record of the same in a book kept for that purpose.

15. *Bills "Passed on File," Placed at Foot of File.*

When bills have been "passed on file" for the second time, they must be placed at the foot of the file in their regular order, unless otherwise ordered by the Senate.

16. *Standing Committees, Quorum of—What Constitutes.*

The standing committees shall determine the number of such committee which shall constitute a quorum; *provided*, that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

17. *Author to Speak Last.*

The author of a bill, motion, or resolution shall have the privilege of closing the debate.

18. *Form of Previous Question—Call of Senate.*

The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present, upon division; and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority of Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question.

19. *Order of Questions on Motion to Refer.*

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

20. *Order of Engrossing and Enrolling Bills.*

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt in writing of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

21. *Printing for the Senate.*

The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary.

The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under a specially prepared written order, to be known as a "Rush Order."

22. *Petitions.*

Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered on the Journal.

23. *No Records or Papers to be Taken from Desk.*

The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Enrolled and Engrossed Bills, and take their receipt therefor.

24. *Appointment of Committees.*

All standing committees of the Senate shall be named by the President of the Senate, unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

25. *Assembly Bills to be Read First Time.*

All Assembly bills shall be read the first time, when taken up in Assembly messages, and then referred to the proper committee.

26. *Oaths and Affirmations.*

The oaths and affirmations required by the Constitution, and prescribed by law, shall be taken and subscribed by each Senator in open Senate, before entering upon his duties.

27. *Resolutions.*

Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

28. *Special Orders.*

Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate, unless there is unfinished business of the preceding day; and if it is not finally disposed of on that day, is to take its place on the file of special orders in the order of time at which it was made special, unless it become, by adjournment, the unfinished business.

29. *Voting.*

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

30. *Reconsideration.*

When a bill, resolution, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be accompanied by a motion to request the Assembly to return the same, which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

31. *Notice of Reconsideration.*

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the majority; and it shall not be in order for any Senator to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session.

32. *Secretary, upon Notice of Reconsideration, Not to Report Bill to Assembly.*

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been transmitted to the Assembly.

33. *Motion to Reconsider May be Debated.*

A Senator, after a notice of motion to reconsider is given, as provided in Rule 31, may, at the time of consideration of such motion, present the main question in his argument thereon, and the same may be debated by the Senate.

34. *Reference of Bills to Finance Committee.*

All bills or resolutions appropriating money from any fund within the control of the State shall be referred to the Committee on Finance before being read the second time.

35. *Standing Committees.*

The following standing committees shall be appointed by the President of the Senate:

Agriculture—Seven members.

Apportionment—Thirteen members.

Banking—Five members.

Code Revision—Seven members.

Commerce—Seven members.

Contingent Expenses—Three members.
Corporations and Public Morals—Thirteen members.
Constitutional Amendments—Seven members.
County Governments—Nine members.
Drainage—Five members.
Elections—Eleven members.
Education—Seven members.
Enrolled and Engrossed Bills—Three members.
Executive Communications—Three members.
Federal Relations—Three members.
Finance—Fifteen members.
Fish and Game—Five members.
Food Adulteration—Three members.
Forestry and Water Storage—Nine members.
Health—Five members.
Highways—Seven members.
Hospitals—Seven members.
Irrigation—Five members.
Judiciary—Nineteen members.
Labor and Capital—Three members.
Manufactures—Three members.
Military Affairs—Five members.
Mining—Five members.
Municipal Corporations—Seven members.
Printing—Three members.
Prisons—Seven members.
Reformatories—Five members.
Revenue and Taxation—Five members.
Rules—Three members.

36. Amendments to Original Question.

An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

If the question in debate contain several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment, as a question. And motions to amend the part to be stricken out shall have precedence.

37. Engrossed Bills to be Examined and Reported.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the Assembly with proper indorsements, and the original retained by the Senate.

38. Engrossed Bills Have Preference.

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

39. Amendments and Substitutes.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

40. Amendments and Substitutes Must be Germane.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

41. Least Sum and Shortest Time in Filling Blanks.

In filling up blanks, the least sum or number and the shortest time shall be put first.

42. Short of Final Question, Two-Thirds Vote Not Requisite on Propositions to Amend Constitution.

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.

43. Leave of Absence.

When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by two-thirds vote, and no expenses or mileage of attachés shall be allowed.

44. *Claims on Contingent Fund Must Go to Committee on Contingent Expenses.*

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

45. *Order of Privileged Questions Under Debate.*

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

46. *Motion Not to be Debated Until Seconded and Announced.*

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any Senator, and read by the Secretary, before the same shall be debated. A motion may be withdrawn at any time before amendment.

47. *Senator, When Called to Order, Must Sit Down.*

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

48. *Final Question on Second Reading of Bill—No Amendment on Third Reading, but May Commit.*

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed and read the third time?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

49. *Ayes and Noes—Members Must Answer—No Vote After Announcement of Vote.*

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision from the chair.

50. *Introduction and Reading of Bills.*

Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall, by vote of ayes and noes, dispense with this provision), and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator have objected to such reading). Joint and concurrent resolutions shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

51. *The General File: Its Hours—Special Order of Bills on File.*

The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

52. *Titles of Bills Must be in Journal.*

The titles of bills and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.

53. *When Not in Committee of the Whole, Proceedings Must be Entered in Journal.*

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

54. Rules in Senate and Committee of the Whole.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times speaking, and except that the ayes and noes shall not be taken.

55. Cases Not Provided for, Cushing to Govern.

In all cases not provided for by these rules, the Senate shall be governed by the laws and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

56. Suspending and Changing Rules.

No standing rule or order of the Senate shall be rescinded or changed without a vote of three fifths, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of three fifths of the Senators present, except that portion of Rule 52 relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules without debate.

57. Powers and Prerogatives of President.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

58. President may Order Lobbies Cleared.

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same cleared.

59. President may Call Senators to the Chair.

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

60. Sergeant-at-Arms.

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and releasement, and the traveling expense for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required so to do, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator or person to whom the check is made), and pay over the same to the Senator or person entitled thereto.

61. Messengers—When Introduced.

Messengers are introduced in any stage of business, except while a question is being put, while the ayes or noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

62. Doorkeeper.

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned to them by the President, from coming within the bar of the Senate, unless invited by the President, or a Senator, and to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.

63. Executive Communications and Nominations.

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications, unless otherwise ordered by the Senate, which motion shall be determined without debate.

64. Printed Bills, etc., Must be Placed on Desks.

All bills, joint and concurrent resolutions, when printed, must be placed on the desks of Senators at least one hour previous to the opening of session.

65. San Francisco Delegation.

The members of the Senate from the City and County of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

RESOLUTIONS.

By Senator Wolfe:

Be it resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the State, having elected the following statutory officers:

President pro tem.—Thomas Flint, Jr.

Secretary—Frank J. Brandon.

Sergeant-at-Arms—J. Louis Martin.

Chaplain—Rev. C. L. Miel.

Resolution read and adopted.

INTRODUCTION OF CONCURRENT RESOLUTION.

Senator Lukens asked, and was granted, unanimous consent to introduce a concurrent resolution:

By Senator Lukens:

SENATE CONCURRENT RESOLUTION No. 1.

Resolved by the Senate, the Assembly concurring, That a committee of three members of the Senate be appointed to confer with a committee of four from the Assembly, to make arrangements for the inaugural ceremonies, said committee to be appointed by the President of the Senate and the Speaker of the Assembly, respectively, and to have full power to act in the premises. Any expenses to be paid equally by the Senate and Assembly out of their several contingent funds, and not to exceed in the aggregate the sum of twelve hundred and fifty (1250) dollars.

Resolution read.

On motion of Senator Lukens, the rules were suspended and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—29.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTION.

The following resolution was offered by Senator Devlin:

Resolved, That the President of the Senate appoint a special committee of three to notify the Governor of the organization of the Senate, and that the Senate is now ready to receive any communications he may have to make.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE.

The President appointed Senators Devlin, Knowland, and Sanford to call upon the Governor and notify him of the organization of the Senate, and its readiness to receive his communications.

APPOINTMENT OF COMMITTEE ON INAUGURAL CEREMONIES.

In accordance with Senate Concurrent Resolution No. 1, the President appointed Senators Lukens, Devlin, and Curtin on the Committee on Inaugural Ceremonies.

RECESS.

At twelve o'clock and forty-five minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess for five minutes.

RECONVENED.

At twelve o'clock and fifty minutes P. M. the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

REPORT OF SPECIAL COMMITTEE.

Senator Devlin, chairman of the special committee, reported that it had communicated with the Governor as directed, and that His Excellency had notified the committee that he would communicate with the Senate at his earliest convenience.

The committee was thereupon discharged.

ADJOURNMENT.

At twelve o'clock and fifty-five minutes P. M., on motion of Senator Leavitt, the Senate adjourned until eleven o'clock A. M. of Tuesday, January 6, 1903.

IN SENATE.

SENATE CHAMBER,)
Tuesday, January 6, 1903. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—31.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF JOURNAL.

The Journal of Monday, January 5, 1903, was read.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 6, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 1—Relative to opening and publishing the returns of the election of Governor and Lieutenant-Governor.

Also: Duly organized and is now ready to proceed with the business of the State, having elected the following officers, viz.: Speaker, Hon. Arthur G. Fisk; Speaker pro tem., Hon. Henry E. Carter; Chief Clerk, Clio Lloyd; Sergeant-at-Arms, John T. Stafford.

Also: Adopted Assembly Concurrent Resolution No. 2—Relative to the Inaugural Ball ceremonies—and in compliance therewith appointed Assemblymen Houser, Rolley, and Copus as such committee to act with the like committee from the Senate.

Also: Concurred in Senate Concurrent Resolution No. 1—Relative to the Committee on Inaugural Ceremonies—and in compliance therewith appointed Assemblymen Greer, Goodrich, Barber, and Killingsworth on said committee from the Assembly.

CLIO LLOYD, Chief Clerk.

By H. S. WANZER, Assistant Clerk.

SUSPENSION OF THE RULES.

Senator Smith moved that the rules be suspended for the purpose of immediately considering Assembly Concurrent Resolutions Nos. 1 and 2. The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—31.

NOES—None.

CONSIDERATION OF CONCURRENT RESOLUTIONS.

The Secretary was directed to read Assembly Concurrent Resolution No. 1.

ASSEMBLY CONCURRENT RESOLUTION NO. 1.

Resolved by the Assembly, the Senate concurring, That the Senate and Assembly meet in joint session in the Assembly Chamber at two o'clock in the afternoon of this day, January 6, 1903, for the purpose of being present when the Speaker of the Assembly shall open and publish the returns of the election for Governor and Lieutenant-Governor, as provided and required by Article V, Section 4, of the Constitution of the State of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Luchsinger, Lukens, Muentner, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

The Secretary was directed to read Assembly Concurrent Resolution No. 2.

ASSEMBLY CONCURRENT RESOLUTION NO. 2.

Resolved by the Assembly, the Senate concurring, That a committee of three be appointed by the Speaker to confer with a like committee from the Senate and the Inaugural Ball Committee of Sacramento City upon the inaugural ball ceremonies.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 2 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hubbell, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Welch, Williams, Wolfe, and Woodward—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEE.

In accordance with Assembly Concurrent Resolution No. 2, the President pro tem. appointed Senators Smith, Knowland, and Sanford to confer with a like committee from the Assembly and the Inaugural Ball Committee of Sacramento City upon the inaugural ball ceremonies.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were taken up, and on motion of Senator Lukens, pending their consideration, were ordered printed in the Journal:

APPOINTMENTS BY THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA. {
SACRAMENTO, January 5, 1903.

To the Senate of the State of California:

I have the honor to inform your honorable body that since the adjournment of the thirty-fourth session of the Legislature I have made the following appointments, and request your concurrence therein and consent thereto:

March 15, 1902—George W. Reed, of Alameda County, a member of the Board of Directors of the Deaf, Dumb, and Blind Asylum, in place of himself, term expired.

November 14, 1901—C. Walter Gould, of the City and County of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of Robert A. Poppe, term expired.

June 23, 1902—H. E. Leland, of the City and County of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of John D. Mackenzie, resigned.

September 20, 1902—Rev. A. C. Bane, of the City and County of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of Herbert F. Dugan, resigned.

September 20, 1902—Rev. Wm. Lyons, of the City and County of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of Thomas H. Rooney, resigned.

March 29, 1901—W. E. Gerber, of Sacramento County, Fish Commissioner, in place of Alexander Vogelsang.

May 27, 1901—Chas. P. Douglass, of San Diego County, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of J. E. O'Brien, resigned and term expired.

May 27, 1901—Robert H. Benton, of San Diego County, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of George M. Hawley, resigned.

March 28, 1901—John C. Kirkpatrick, of the City and County of San Francisco, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of P. J. Harney, term expired.

March 15, 1902—John D. Mackenzie, of Santa Clara County, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of Rudolph Herold, Jr., term expired.

May 29, 1901—Dr. R. W. Hill, of Los Angeles County, a member of the State Board of Health, in place of himself, term expired.

May 29, 1901—Dr. W. B. Coffey, of the City and County of San Francisco, a member of the State Board of Health, in place of D. D. Crowley, term expired.

May 29, 1901—Dr. Franklin G. Fay, of Sacramento County, a member of the State Board of Health, in place of Wm. J. Hanna, term expired.

May 29, 1901—Dr. W. P. Mathews, of Sacramento County, a member of the State Board of Health, in place of himself, term expired.

May 29, 1901—Dr. C. A. Ruggles, of San Joaquin County, a member of the State Board of Health, in place of himself, term expired.

May 29, 1901—Dr. C. L. Gregory, of the County of Siskiyou, a member of the State Board of Health, in place of C. W. Nutting, term expired.

October 3, 1902—Dr. Winslow Anderson, of the City and County of San Francisco, a member of the State Board of Health, in place of himself, term expired.

April 25, 1902—E. Myron Wolf, of the City and County of San Francisco, Insurance Commissioner, in place of Andrew J. Clunie, term expired.

May 12, 1902—F. W. Johnson, of Yuba County, a Trustee of the State Normal School at Chico, in place of himself, term expired.

May 27, 1901—Lee A. Phillips, of Los Angeles County, a Trustee of the State Normal School at Chico, in place of N. P. Conrey, resigned and term expired.

May 12, 1902—John S. Collins, of Ventura County, a Trustee of the State Normal School at Chico, in place of himself, term expired.

October 29, 1901—Dr. H. C. Brown, of Santa Clara County, a Trustee of the State Normal School at Chico, in place of himself, term expired.

October 29, 1902—Frank W. Marston, of the City and County of San Francisco, a Trustee of the State Normal School at Chico, in place of George W. Pierce, term expired.

May 29, 1901—Dr. Wm. J. Hawkins, of the City and County of San Francisco, a Trustee of the San Francisco State Normal School, in place of M. Cooney, deceased.

May 20, 1902—Vanderlynn Stow, of the City and County of San Francisco, a Trustee of the San Francisco State Normal School, in place of W. G. Jobson, term expired.

January 2, 1903—E. E. Swanton, of Los Angeles County, a Trustee of the State Normal School at San Diego, in place of L. J. Rose, Jr., resigned.

January 2, 1903—M. L. Ward, of San Diego County, a Trustee of the State Normal School at San Diego, in place of Z. B. West, term expired.

June 12, 1901—Warren R. Porter, of Santa Cruz County, a member of the State Board of Prison Directors, in place of Daniel E. Hayes, resigned and term expired.

October 31, 1902—Robert T. Devlin, of Sacramento County, a member of the State Board of Prison Directors, in place of himself, term expired.

March 28, 1901—Garrett W. McEnerney, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of Stephen M. White, deceased.

May 28, 1901—Dr. C. N. Ellinwood, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of A. S. Hallidie, deceased.

January 31, 1902—Charles S. Wheeler, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of Albert Miller, deceased.

February 3, 1902—I. W. Hellman, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of himself, term expired.

April 22, 1902—Guy C. Earl, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of W. F. Wallace, term expired.

December 22, 1902—Reverend Peter C. Yorke, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of W. H. L. Barnes, deceased.

December 10, 1902—Dr. Walter Lindley, of Los Angeles County, a member of the Board of Trustees of the Whittier State School, in place of himself, term expired.

December 10, 1902—James Clarke, of Los Angeles County, a member of the Board of Trustees of the Whittier State School, in place of himself, term expired.

December 16, 1902—C. F. A. Last, of Los Angeles County, Brigadier-General, First Brigade.

January 5, 1903—J. W. McKinley, of Los Angeles County, a member of the Board of Regents of the University of California, in place of Arthur Rodgers, deceased.

HENRY T. GAGE,
Governor of the State of California.

SECOND BIENNIAL MESSAGE OF GOVERNOR HENRY T. GAGE TO THE
LEGISLATURE OF THE STATE OF CALIFORNIA.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 5, 1903.

To the Senate of the State of California:

I have the honor to present herewith to your honorable body my Second Biennial Message.

HENRY T. GAGE,
Governor of the State of California.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 5, 1903. }

To the Senate and Assembly of the State of California:

Inasmuch as my distinguished successor will almost immediately take office, and not being advised of his policy, nor wishing, in any manner, to embarrass his administration, I shall therefore so shape this message that it may be largely a communication in respect to the condition of the State, and its affairs, and make only recommendations in regard to matters which I deem necessary and expedient, leaving Governor Pardee and your honorable bodies otherwise unhampered by my views.

Elected in November, 1898, by a large plurality of the votes of the people of California, upon a solemn pledge of economy in the administration of State affairs, and having unflinchingly obeyed the law throughout my term of office, I am now gratified to close my administration with all pledges fulfilled and to pay a tribute of merited commendation to the legislators and State officers who, during the last four years, have ably assisted me in those labors which have culminated in numerous public benefits and advantages, and among others in the creditable record of the lowest tax rate in the history of the administrations of this State. Properly to moderate the expenses of a fast-growing State, with vast resources and numberless needs, and, at the same time, not to hinder its onward development by restrictive parsimony, is no mild problem of statecraft. Nor, in the exercise of necessary and firm restraint, is it easy to avoid the criticism of careless observers, or the denunciation of those whose personal interests may seem to be injuriously affected by the improvement of the State's interests.

During my administration I allowed all proper appropriations to meet the current expenses of government, and provided, without stint, for every State institution and State need, but I curtailed extravagance by vetoing excessive and inexpedient appropriations, so that the State is now on a business basis and able to pay its demands without either a discount of its warrants or the exhaustion of its General Fund.

In disallowing appropriations I have not evaded any law which required their payment, nor any State exigency which was required to be, sooner or later, faced.

Believing that the farming and stock-raising industries of the State would be best promoted by advancing the interests of the several existing agricultural associations established by law, I approved liberal but not lavish appropriations for their support.

STATE PRINTING OFFICE OPENED—ENACTMENT AND OPERATION OF LAW ESTABLISHING SEPARATE PRINTING FUNDS FOR STATE OFFICERS.

I opened the State Printing Office, which had been closed during the last year of my predecessor's term, and, having allowed sufficient appropriation to pay the current expenses, I approved, on March 6, 1899, the Act entitled: "An Act to add a new section to the Political Code, to be known and numbered as section five hundred and forty, creating the State Printing Fund, authorizing its use, and prescribing the duties of the Superintendent of State Printing, Controller, and Treasurer, in connection therewith, all relating to State printing."

Section three of said Act provides for the printing of reports of all State officers, boards, and commissions out of their separate printing funds, which funds were provided for in the General Appropriation Bill.

This law was passed in pursuance of my suggestion in my inaugural address, where, on page 9, directing attention to the burdens incident to the State printing, I said:

"The expense of such printing, which should properly be charged against the account of the officers of the departments and institutions ordering the printing, is unjustly arrayed against the State Printer's account. Some proper check should be imposed upon the expense of printing incurred by the various officers, boards, and departments. Each public institution and office should be charged for its printing out of its separate appropriation or funds on hand."

This new law has, with few exceptions, worked well; for it has caused each State officer to be circumspect and economical concerning printing expenses, and, therefore, has redounded to the material advantage of the people.

OVER-LEGISLATION.

In my inaugural address and, subsequently, in the first biennial message, I adverted to the evils of over-legislation, and now, after an experience of four years, the belief entertained by me that much damage results to the State from the multiplication of new laws has grown into positive conviction.

The zeal of legislators sometimes makes them forget that a new law is, generally, a displacement of a previously existing right, and that the judicial branch of the government will probably pass upon the legislative enactment in the course of litigation arising out of the process of adjusting the new law to the existing relations. A State is less liable to suffer from a paucity than from a redundancy of laws.

It was aptly said by one of the learned Justices of our Supreme Court, in a recent case: "A scarcity of statutory laws and want of facility for passing them are not among the evils of the times."

Statutes require time for their maturity in order to manifest their equitable, or disclose their inequitable, effects.

They need the soil of usage and the water of judicial interpretation for their growth

and development; and, when once planted, the legislative plow should be tardily exercised.

The rights and obligations of the people are correlated, and so delicately adjusted that sudden and extensive changes in the laws under these relations and hinder the harmonious progress of the State.

The repeal of useless and unconstitutional laws which burden our statute books would be more beneficial than the adoption of a number of hastily-considered new laws and doubtful amendments.

Incidental to this evil of over-legislation is an inclination on the part of legislators to enact general laws to fit special cases in order to evade Section 25 of Article IV of the State Constitution, which prohibits local or special legislation. General laws are often passed which, in fact, are only designed to benefit particular individuals or localities, or to relieve special conditions, but, although the special purpose be good, it often happens that the very generality of the law impairs other and more material rights.

Different conditions, as a rule, require different laws.

It is a matter to be regretted that the constitutional provision against special and local legislation is so wide-reaching in its effects.

While the evil that was intended to be remedied and guarded against by Section 25 of Article IV was a very serious one, still the new evil of the enactment of general laws to fit special cases is more serious, and it would be well for this constitutional section to be so amended as to permit necessary exceptions, thereby doing away with this injurious method of legislative evasion.

GOVERNOR'S TIME TO ACT ON LEGISLATIVE BILLS SHOULD BE EXTENDED.

The Constitution has fixed a most inopportune time for the inauguration of the Governor and the assembling of the legislators.

The newly elected Executive is, under the existing laws, compelled to face a busy session of the Legislature at the very beginning of his official career, before he can inform himself in detail of the State's necessities, or outline a complete policy of State administration.

Added to this impeding disadvantage is the constitutional provision which restricts the time to ten days after the adjournment of the Legislature for approval or disapproval of the numerous important and unimportant bills which are left to the Governor for action by the outgoing legislators, and which increase his many great responsibilities.

During the last week of the session hundreds of bills, many of them very lengthy, and nearly all involving intricate questions of law as well as of policy, are thrust upon the wearied Executive, and it is expected that he can determine these many vexed problems within this narrow constitutional limit of ten days.

Mental as well as physical capacity has its varying limit, and infinite powers are not predicable of Executives.

The Governor should be allowed much more time to examine and intelligently pass upon the various Acts which are submitted by the Legislature for his approval, and which is impossible under the present law.

In the absence of a constitutional amendment remedying this matter, and until the adoption of such a measure, I recommend that the Legislature make use of their discretionary power, and, by concurrent resolution, frame and pass all bills designed for laws and present them to the Governor eight or nine days before the final adjournment. This time would, in addition to the constitutional time, give the Governor eighteen or nineteen days within which to pass upon the numerous measures enacted.

These remaining eight or nine days of partial legislative inaction could be profitably used, among other ways, by the Senate and Assembly in most carefully considering and deliberating upon resolutions and constitutional amendments, pursuing investigations, and acting upon the reports of committees, and the members might also, in their individual capacity, materially assist the Executive by furnishing him with needed information concerning the nature of the bills submitted for his signature.

Where measures, passed by slender majorities, are proper subjects for argument, the Executive, during this interval, might be afforded an opportunity of hearing reasons from both the supporters and opponents of the bills. No higher service could be rendered the State than the adoption of such a course by the Legislature, for it would not only enable the Governor to act more advisedly upon the measures presented, but also prove a barrier to the passage of the many loose and ill-digested laws which are hurried through the Senate and Assembly during the few closing days and hours of the session. At all events, even if the legislators did nothing except to assist the Executive, this interval would be of the highest benefit to the State.

CAREFUL REVISION OF THE ELECTION LAWS A NECESSITY.

The recent election has, no doubt, revealed to your minds various and serious defects in the election laws, which tend to defeat the free expression of the will of the electors.

The necessity of a careful and thorough revision of these important laws which vitally affect fundamental rights being made evident, I am satisfied that from the many amendments which will probably be presented, you will select only those which are constitutional, clear, simple, honest, and best adapted to the requirements of free and intelligent citizens.

In this class of legislation wise counsel will doubtlessly be afforded by my distinguished successor, to whom you will look for the approval of just laws designed to promote these desired ends.

NECESSITY FOR LEGISLATION REGULATING THE DRILLING FOR OIL AND GAS.

Great injury is likely to result to property from the negligent and careless manner of drilling oil and gas wells, as well as from the negligent and careless plugging and filling of such wells after abandonment.

It is quite evident that we shall soon be in great need of some legislation to regulate the conditions surrounding drilling of oil and gas wells. I recommend this matter to your most careful consideration.

LAND FRAUDS—NECESSITY OF VESTING IN THE GOVERNOR POWER OF WITHDRAWAL OF LANDS FROM SALE.

In my message to the Legislature convened in extra session, January 29, 1900, I directed especial attention to the evil of fraudulent speculation in the public lands, and of the open misuse, by land-brokers and speculators, of the rights and privileges afforded by the national and State land laws to bona fide settlers.

In that message it was said that during the last few years thousands of acres of valuable State land had passed under the control of land rings, which lands were sold at prices ranging from four dollars and upward, and were used by the purchasers as scrip for the purpose of obtaining valuable mineral and oil land as well outside as within the State.

This matter did not, however, receive the consideration from the Legislature which its importance deserved, and it was not surprising from this inaction, that a few months afterward disclosures should have been made concerning the perpetration of frauds in the acquisition of valuable mineral and oil lands. Had the Legislature then acted upon my suggestion many valuable claims legally acquired by bona fide appropriators would not have been subjected to the troublesome litigation which ensued, nor would the frauds of the land ring have continued to the detriment of the State and the honest settlers and miners. The quantity of available public land of the State open to entry is small and is fast diminishing, and it is necessary, if any remedy is to be invoked by law, that it should be carried into effect immediately.

I repeat here the reasons and the remedy suggested on pages 16, 17, and 18 of the message at the extra session of 1900, namely:

"Until proper amendments are made to the laws relating to our public land, power should be vested in the Governor to withdraw from sale the school lands, which are now being used as scrip to take the place of the Valentine and Porterfield scrip.

"One of the principal objects of the sale by the State of its public lands to private persons is to encourage its actual settlement and cultivation, and when the intention of our statutes is so perverted through the pernicious schemes of land-jobbers, it becomes the high and solemn duty of the legislators to prevent such frauds for the protection of the people.

"Owing to the Act of Congress directing the President to set apart forest reserves upon the public domain of the United States, various reserves covering large tracts of valuable timber and other lands belonging to the State in 16th and 36th sections have been placed within the boundaries of these reserves. As the title to these school sections still remained in the State, they were subject to entry and sale under our State laws, notwithstanding that they fall within the boundaries of the proclaimed reserves.

"In the Act of Congress dated June 4, 1897 (Vol. 30, U. S. Statutes, page 36), the following provision is made for the benefit of actual settlers and owners of land within these reserves, allowing a relinquishment of their titles to the United States:

"That in cases in which a tract covered by an unperfected bona fide claim or by a patent is included within the limits of a public forest reservation, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government, and may select in lieu thereof a tract of vacant land open to settlement, not exceeding in area the tract covered by his claim or patent; and no charge shall be made in such cases for making the entry of record or issuing the patent to cover the tract selected; *provided further*, that in cases of unperfected claims the requirements of the laws respecting settlement, residence, improvements, and so forth, are complied with on the new claims, credit being allowed for the time spent on the relinquished claims."

"This provision of the United States statute, together with the condition of our own laws, has been used by the land ring for their own selfish and unlawful purposes.

"Immediately after the proclamation by the President of a forest reserve within this State, applications for State school land within such reserve have been filed, and immediately sold as scrip by local dealers, as well as by dealers in other States, at prices ranging as high as \$5 per acre, whereas the State can only receive \$1.25 per acre. The land attorneys secure the relinquishment of the entryman or his assignee to the United States, and file application for other public lands of the United States, even outside of the State of California.

"In cases where the State school lands within the reserves have been patented, the dealers secure under said Act of Congress patents to other lands which they have located.

"By reason of this privilege afforded by the United States statutes and our own lax laws, the school lands within the forest reserves are greatly increasing in value, and much of the land has been cornered by the land attorneys, and is now advertised and sold as scrip.

"If the State is obliged to part under the existing laws with its school lands within these reserves, so that it likewise loses the taxes which would be paid by an actual settler, in the absence of the ability of the State's officers to detect and discriminate between fraudulent and bona fide land claims, then the people of the State should reap the benefit from the advanced value of such lands which now go to the land-jobbers, by authorizing the Governor to withdraw such land from sale at the minimum price, and to sell the same at an increased price, according to its value."

OFFICIAL CHAMPERTY.

The covert maintenance of claims against the State by State officers and their deputies should receive a permanent check by the passage of stringent penal laws.

State officers should be content with the compensation provided by law, and their duty to the people does not permit of a secret partnership in claims, no matter how valid, which may be urged by others against the State.

Information secured by a State officer, through his control of State records, should not be attempted to be used directly or indirectly for his personal benefit.

I recommend that it be made a felony for any State officer or deputy to speculate or encourage speculations respecting any claim or demand against the State, or to aid or abet any other person in any suit upon a claim or demand against the State.

WATER AND FOREST LEGISLATION, AND SOME REASONS FOR MY VETO OF SENATE BILL NO. 7.

The Legislature, at its last session in 1901, passed a measure, known as Senate Bill No. 7, apparently, but not really, for the benefit of the irrigation needs of the State which bill, for the reasons here stated, I was compelled to disapprove.

Since my veto a few persons, with the aid of some few newspapers, have misconstrued the reasons for that veto as well as the motives which prompted it, and have pictured said Senate bill as a most beneficent measure, the disapproval of which it is asserted caused irreparable detriment to the State.

So greatly was the matter mooted that, through the same selfish and improper sources, a denunciation of the veto was made a plank in the last State Democratic platform.

Conceding, for the purposes of argument only, that Senate Bill No. 7 was intrinsically meritorious, still it was not a duty, under my oath of office, to approve it because of its merit alone.

It is not enough that legislative measures carrying large appropriations should be intrinsically meritorious in order to receive Executive sanction.

In the signing of appropriation bills the exercise of the Governor's best judgment is required for the protection of the people of the State from heavy taxation, etc. Measures demanding the payment of large sums of the people's money must not only be praiseworthy in themselves, but must be actually just, urgent, and necessary. In performing his duty to the people the Executive can not protect them from heavy burdens if he give approval to every meritorious bill carrying an appropriation which chances to pass the Senate and Assembly. Meritorious bills appropriating several hundreds of thousands of dollars are introduced at every session of the Legislature and receive legislative approval, but not being actually necessary and urgent, the Governor's discretionary veto in such cases is the only protection of the people of the State from onerous taxation. In the exercise of this discretion the Governor must be guided by the exigencies of each case and must take into consideration the amount of standing appropriations demanded by existing laws, as well as claims against the State, both those accrued and to accrue, in forming a proper estimate of the total appropriations which he can approve.

At the legislative session of 1901, when Senate Bill No. 7 was presented, I deemed it my duty to veto bills which had passed the same Legislature, amounting to a total of \$1,283,365.35, in which sum is included the \$107,000 appropriated by the aforesaid Senate bill.

Had I approved all of the bills carrying appropriations which passed the Legislature at that time, such action would justly have deserved very severe criticism.

Now, considering Senate Bill No. 7 upon the assumption that it was a commendable public measure (which, in fact, as presented, it was not), let me ask, was this bill appropriating \$107,000 necessary, urgent, and indispensable at the time of its passage? Have the people of the State suffered a detriment that can not be remedied at some ensuing legislative session? An answer to these questions, independently of an exposure of the actual demerits of the bill, will disclose the unfairness of those self-seeking persons who, with pen and tongue, have so frequently and unjustly assailed my veto and position respecting the subject of irrigation.

The following is the full text of the bill:

"An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

"The people of the State of California, represented in Senate and Assembly, do enact as follows:

"Section 1. There is hereby constituted a Board of Water and Forest Commissioners, composed of three citizens of the State, who shall be appointed by the Governor on or before April first, nineteen hundred and one. No two of such commissioners shall be a resident of the same county.

"Section 2. Such commissioners shall hold office for the term of two years.

"Section 3. Before entering upon the discharge of the duties of his office, each of said commissioners shall take an oath or affirmation to support the Constitution of the United States and of this State, and to faithfully and honestly discharge his duties as such commissioner, and shall execute and file with the Secretary of State an official bond, with good and sufficient sureties, to be approved by the Governor, in the penal sum of twenty thousand dollars, conditional for the faithful performance of his duties.

"Section 4. Such commissioners shall receive no salary. They shall have power to employ a secretary at a salary of not exceeding one hundred dollars per month, and shall be allowed a contingent fund of not exceeding two hundred dollars per month, to defray office and actual traveling expenses, and shall annually account to the Governor for all moneys received and disbursed by them. The said commissioners shall annually, on the first day of September, report fully to the Governor, setting forth in detail the work done and projected during the preceding year, with such recommendations for carrying into effect the purposes of this Act as to them seems best. Such commissioners may receive donations to assist them in carrying out the purposes of this Act, accounting as such commissioners for such donations.

"Section 5. Said commissioners shall have power to enter into such contracts as may seem best to them with the lawfully authorized representatives of any department of the Federal Government for the purpose of making topographic surveys and a joint investigation of and report on the water resources of the State, the best methods of developing, controlling, and utilizing the same, and the best methods of preserving the forests; *provided, however*, that their expenditures for such purposes shall not be in excess of the amounts to be expended by the department of the Federal Government in collaboration with which any specific work is done. They may also in like manner and subject to the same conditions make such experiments for preserving the forests of the State as may seem best to them, and to the representatives of the branch of the Federal Government authorized to undertake such experiments.

"Section 6. In order to carry out the purposes of this Act, any person or persons employed hereunder are authorized to enter and cross all lands within this State; *provided*, in so doing no damage is done to private property; it shall be a misdemeanor, punishable as provided in such cases, for any person or persons to willfully and maliciously remove or destroy any permanent marks or monuments made or erected by any of such persons.

"Section 7. The sum of one hundred and seven thousand two hundred dollars is hereby appropriated as a special fund for the purposes specified in this Act, and the Controller of State is hereby authorized and directed to draw warrants upon such fund from time to time upon the requisition of two of such commissioners, and the State Treasurer is hereby authorized and directed to pay such warrants; *provided*, one half of the appropriation herein shall be available in the fifty-third fiscal year, and the remaining one half of said appropriation shall be available in the fifty-fourth fiscal year; *and provided further*, that the part of said appropriation to be available in the fifty-fourth fiscal year shall not be used until there shall be made to the Governor by the said commissioners a satisfactory report, with maps attached, of their operations during the preceding fiscal year, and the Governor shall certify to the Controller the fact of his having received such satisfactory report.

"Section 8. This Act shall take effect immediately."

It is apparent from the whole context of the bill that the work of the commissioners, to be appointed under its provisions, was intended to be merely preliminary. The commissioners were not given any powers to preserve the forests of the State, or to protect its water resources, and, from the standpoint of the Constitution, no such powers could have been lawfully delegated by the Legislature.

What necessity and urgency existed, then, of appropriating this large amount of money at the session of 1901? Even the framers of the bill did not contemplate that the commissioners who were to be appointed under it could reach a final solution of the best methods of preserving the forests of the State, and make a report in full of its water resources within less than two years, because by Section 2 of the bill they fixed the term of office for that period of time.

The duties of the commissioners are undefined and the character and limit of their work are left for their own determination. It is discretionary with them not only what methods to employ, but even to determine when the work will begin. The only specific injunctions seem to be, first, under Section 4 of the bill, that the commissioners shall annually, "on the first of September, report fully to the Governor in detail the work done and projected during the preceding year," and under Section 7, it is made a condition precedent for their use of the appropriation of the fifty-fourth fiscal year that they shall make to the Governor "a satisfactory report, with maps attached, of their operations during the preceding fiscal year." Under this latitudinarian measure, who except the commissioners could place a limit upon their investigations, or determine when they had finished their labors? Who, except the commissioners, could

say at the end of two years what problem in forestry or in irrigation remained unsolved? Is it to be assumed that the next Legislature would abolish this all-wise commission when its report should be presented and the \$107,000 appropriated should be expended?

Legislation giving unlimited powers to individuals and commissioners has never been satisfactory. No matter how honest may be the individuals selected to fill public office, still public policy demands that their powers be defined and limited, in order that their private views and interests be subordinated to public duty.

It is evident, therefore, that the only loss sustained by the people of the State by the veto of Senate Bill No. 7 has been the failure to receive the opinions and conclusions of three citizens of unknown lineage, ability, and integrity on the forests and water resources of the State; whereas, on the other hand, the people have been enabled to retain in their pockets the aggregate sum of \$107,000. Balancing this loss and profit, is it not fair to believe that the people could afford to wait until this legislative session, when a proper and more definite bill can be passed, if required, which will actually outline definite plans and operations for the preservation of the forests and the conservation of the waters?

If this Legislature should, in its wisdom, decide upon the necessity of creating a forest and water commission, it will be enabled in the light of the indefinite Senate Bill No. 7, to impose proper restrictions upon the powers of the commission and outline with certainty the work to be performed.

But the bill itself is not by its terms sufficiently meritorious, nor such as would directly benefit the people, nor, had it received my approval, could it have effected the excellent purposes of its framers and supporters.

Personally I favor, unrestrainedly, and recognize the necessity for, the passage of efficient laws for the preservation of the forests and the conservation of the waters of the State.

I favor, also, the passage of laws carrying substantial appropriations to effect these objects, but I do not favor the creation of commissions with undefined powers and unlimited authority to control the work and to expend according to their own private views appropriations made for these necessary and beneficial purposes. Public work must be subordinated to public control. The expenditures of public money must be carefully safeguarded by law and strictly accounted for to the people.

Senate Bill No. 7 was far from being a useful public measure. The bill as framed is objectionable upon the following grounds:

First—There is no special duty imposed upon the commissioners, except in Sections 4 and 7, wherein they are merely required to report annually to the Governor their operations and present maps.

Second—There is no limitation upon their power to contract.

Third—There is nothing in the bill directing the commissioners to do any specific work in any particular manner through which the State might receive practical benefit.

Fourth—There is nothing to indicate the feasibility or possibility of any joint action of this commission with any special Federal board or officer, and there is no special Act of Congress which would make such co-operation effective. In the absence of a specific Act of Congress authorizing such joint investigation and providing for a proper plan of operations, the work of this commission would be of no practical benefit.

Fifth—The bill as framed is objectionable, among other things, in this, that it embraces more than one subject, which subjects are even expressed in the title, to wit: "Providing for an investigation and report on the water resources of the State," and also for an investigation and report on the best methods of preserving the forests of the State.

Such an Act, if passed, would probably be declared unconstitutional and void as opposed to Article IV, Section 24, of the State Constitution.

The extent and vagueness of the powers to be exercised under this measure bring it within the criticism of the Supreme Court of this State, decided in *People vs. Parks*, 58 Cal. 638, where it was said regarding a bill in no degree less certain nor less extensive in its grant of powers than Senate Bill No. 7, as follows: "Under it may be concealed many subjects which are not expressed in the title;" and again on page 643 of the same report of the case, it is said: "There are powers conferred upon it (the Legislature) alone by the Constitution, and it can not delegate them to any other department of the government or to any agency of its appointment, because it would be confiding to others that legislative discretion which legislators are bound to exercise themselves, and which they can not delegate to any other man or men to be exercised."

The power to conserve the waters of the State and to protect its forests is one eminently reserved to the whole people of the State to be exercised through the Legislature in conformity with the Constitution, and the Legislature can not forego this important function by delegating its exercise to individual commissioners. If the vague powers attempted to be conferred upon the commissioners under the extremely indefinite provisions of this bill could be so realized as to be of practical benefit to the State, the commissioners would necessarily be obliged to decide and determine their own powers and fix the limits under said bill, which functions are purely legislative and, if actually done, would be perhaps void as opposed to the Constitution.

From a sound business view of the matter the bill as prepared was unnecessary in the main and the appropriation under the circumstances an extravagant and wasteful diversion of the public money. So far as this bill required an investigation of the water resources of the State and the preparation of maps therefor, the history of State

legislation upon this subject shows that much of this work has already been done under appropriations made for the State Engineer, an office created by an Act approved March 29, 1878 (Acts 1877-8, p. 634), which office has since been abolished.

The total amount appropriated by the Legislature for the maintenance of the office of State Engineer and the completion of the surveys and work commenced from the creation of the office, March 29, 1878, until 1887, amounted to over \$250,000.

The Act creating that office outlined the work to be performed, specifically defined the duties, and limited the scope of the powers of the office created. Mr. William Ham Hall, who very ably filled the office, did much valuable work in the line of that dimly indicated in Senate Bill No. 7. During his term of office, Mr. Hall compiled two large volumes of a report full of valuable historical and statistical information, and also prepared elaborate detail irrigation maps of Southern California, great central valley maps, and topographical and irrigation maps of said valleys, all of which have been for a long time and still are for sale in the office of the Secretary of State. These interesting publications, secured at an expense of over \$250,000 to this State, have been of little practical benefit to the people, and yet the work was done carefully and thoroughly.

In the light of the result of such legislation, it would be as foolish as it is unnecessary for the State to repeat this experience by appropriating more money for more literature.

State legislation upon the important subject of forestry has likewise been unfortunate for the people, because lacking in certainty. Over \$95,000 of appropriations have been expended through a Commission or Board of Forestry from the creation of the board by Act approved March 3, 1885, until its repeal in 1893, and the transfer of its property to the Agricultural Department of the State University by Act approved March 23, 1893. The establishment of a Board of Forestry, by reason of the very general terms of the law, was not of such value to the people as to demand its continuance, and the result of this expenditure of money was mainly in adding to the stock of dead State literature in the form of a few consecutive biennial reports.

Nor is the provision in Senate Bill No. 7, requiring the commissioners to co-operate with Federal boards or officers, either judicious in itself or such as would result in practical advantage to the State.

Assuming, in the absence of an Act of Congress, that these commissioners could lawfully co-operate with existing Federal boards or officers, the State officers would necessarily be subordinate, both in the methods of operation and in the expenditure of the appropriation. Indeed, the work in such event could only be effected in obedience to the directions and under the regulations of the United States Department of Agriculture. The Federal authorities would, therefore, be supreme, and the work undertaken would be primarily in the interest of the Federal Government and in pursuance of its general policy.

This suggests another reason why such a measure would be unnecessary. The history of congressional legislation upon the subject of the conservation of waters and forests and the reclamation of arid lands shows a well-defined policy of the Federal Government, conformable with the wishes of the people, to assume control and protection at the expense of the nation, and not of the individual States. In view of this policy, Congress has heretofore for many years made extensive surveys and published valuable maps upon the subject, and vast sums from the national treasury have been expended for these excellent purposes. So generally have the people of the United States accepted and confirmed the policy of the Federal Government in assuming control and expending the national money in this laudable manner, that a plank was inserted in the Republican National Platform of 1900 in the following words:

"In the further pursuance of the constant policy of the Republican party to provide free homes on the public domain, we recommend adequate national legislation to reclaim the arid lands of the United States, reserving control of the distribution of water for irrigation to the respective States and Territories."

In the proclamation of the Presidents since the time of President Cleveland, under authority of Congress withdrawing public lands from entry and setting aside forest reserves, we perceive the general policy of national control at national expense.

President Roosevelt, in his excellent message to Congress, December 3, 1901, suggesting subjects for examination and legislation, specifically and emphatically approved of this national policy in the following language:

"At present the protection of the forest reserves rests with the General Land Office, the mapping and description of their timber with the United States Geological Survey, and the preparation of plans for the conservative use with the Bureau of Forestry, which is also charged with the general advancement of practical forestry in the United States. These various functions should be united in the Bureau of Forestry, to which they properly belong. * * *

"The forests are natural reservoirs. By restraining the streams in flood and replenishing them in drought they make possible the use of waters otherwise wasted. They prevent the soil from washing, and so protect the storage reservoirs from filling up with silt. Forest conservation is therefore an essential condition of water conservation.

"The forests alone can not, however, fully regulate and conserve the waters of the arid region. Great storage works are necessary to equalize the flow of streams and to save the flood waters. Their construction has been conclusively shown to be an undertaking too vast for private effort. Nor can it be best accomplished by the individual States acting alone.

"Far-reaching interstate problems are involved, and the resources of single States would often be inadequate. It is properly a national function, at least in some of its features. It is as right for the National Government to make the streams and rivers of the arid region useful by engineering works for water storage as to make useful the rivers and harbors of the humid region by engineering works of another kind. The storing of the floods in reservoirs at the headwaters of our rivers is but an enlargement of our present policy of river control, under which levees are built on the lower branches of the same streams.

"The Government should construct and maintain these reservoirs as it does other public works. Where their purpose is to regulate the flow of streams, the water should be turned freely into the channels in the dry season to take the same course under the same laws as the natural flow.

"The reclamation of the unsettled arid public lands presents a different problem. Here it is not enough to regulate the flow of streams. The object of the Government is to dispose of the land to settlers who will build homes upon it. To accomplish this object water must be brought within their reach. * * *

"There remain, however, vast areas of public land which can be made available for homestead settlement, but only by reservoirs and main-line canals impracticable for private enterprise. These irrigation works should be built by the National Government. The lands reclaimed by them should be reserved by the Government for actual settlers, and the cost of construction should so far as possible be repaid by the land reclaimed. The distribution of water, the division of streams among irrigators, should be left to the settlers themselves in conformity with State laws and without interference with those laws or with vested rights. The policy of the National Government should be to aid irrigation in the several States and Territories in such manner as will enable the people in the local communities to help themselves, and as will stimulate needed reforms in the State laws and regulations governing irrigation. * * *

"At the very beginning the Government should make clear, beyond shadow of doubt, its intention to pursue this policy on lines of the broadest public interest. No reservoir or canal should ever be built to satisfy selfish personal or local interests; but only in accordance with the advice of trained experts, after long investigation has shown the locality where all the conditions combine to make the work most needed and fraught with the greatest usefulness to the community as a whole. There should be no extravagance, and the believers in the need of irrigation will most benefit their cause by seeing to it that it is free from the least taint of excessive or reckless expenditure of the public moneys."

From the above excerpts from the President's message, as well as from our knowledge of the declared Federal policy as expressed in congressional legislation, it is evident that the public water sources and forests should be mainly a matter of National, and not State, protection and expense, because the general welfare and not merely State wealth is principally promoted. While I believe in substantial State assistance for State benefit, I am convinced that continuous and large appropriations of hundreds of thousands of dollars should not be expended by the State, enhancing the burdens of taxpayers, for the promotion of work which the Federal Government is both willing and able to undertake.

At the very beginning of my administration I was so impressed with the policy to which the Federal Government was pledged by the National Republican party that I used in my inaugural address the following words:

"The drought of last year again illustrated the great necessity of the storage of mountain waters and winter rains for irrigation purposes to meet the contingency of dry seasons. The expense of such an undertaking is so far beyond the means of the State, and the advantages are so great to the Federal Government for the irrigation, reclamation, and sale of its public arid lands within the State, that the money to be raised for such purposes properly falls within the domain of Congress.

"The construction of storage reservoirs would induce settlers to take up locations upon the public arid lands, enhancing, through settlement and cultivation, the value of such land, and adding largely to the population and wealth of the State and Nation.

"Our Senators and Representatives in Congress should be requested to introduce a measure to secure Federal aid in this direction."

The truth of these opinions entertained by me in 1899 has been corroborated by the clear enunciation of the Federal policy outlined by President Roosevelt in his message.

In his last message to Congress, in December, 1902, President Roosevelt directed the attention of Congress to the importance of "the inauguration of the system of *nationally-aided* irrigation for the arid regions of the far West," thereby advocating the continuance of the policy of appropriations by the Federal Government for the development and storage of waters on the public lands, and the preservation of the forests which are natural sources of water supply.

At the time of the passage of Senate Bill No. 7, appropriating \$107,000, there was awaiting my action Assembly Bill No. 873, passed by the Legislature, appropriating \$250,000 for the purchase, for a State park, of a tract of land situated in Santa Cruz and San Mateo counties containing trees known as *Sequoia sempervirens*. It was represented to me by thousands of citizens, as well as by the promoters of the bill, that these magnificent forest giants were about to be destroyed and their loss certainly would be irreparable. The bill was argued for its urgency as well as necessity, and the threatened destruction seemed to justify its passage.

The question, therefore, independent of the merits or demerits of Senate Bill No. 7, was to choose between these two measures. On the one hand, was presented to me the probable loss to California of those rare and splendid trees, unequalled for grandeur and beauty by any in the world; on the other hand, Senate Bill No. 7, providing for a preliminary report on water resources and forestry, which report was not required to be presented for a period of two years. To burden the taxpayers with both appropriations on top of the necessarily large appropriations for the maintenance of the State and the payment of State claims, would have been a gross injustice and a misuse of Executive discretion.

I feel, therefore, that I was fully justified in choosing the more necessary and urgent measure and expressing in my veto of Senate Bill No. 7 the following reason:

"While this measure might contribute to important and beneficial results to the State, the large appropriation which it carries, when considered together with the large appropriation demanded in the purchase of the Redwood Park under the terms of Assembly Bill No. 873, make it impossible for me at this session to approve both bills, without resulting in great burden to the taxpayers."

When the intrinsic defects of Senate Bill No. 7 are considered, it will be conceded by impartial persons that the duty of the Executive was, under the circumstances, to disapprove the bill because no loss could result thereby to the State. The fact that there was no restriction upon the commissioners in the expenditure of the money proposed to be appropriated, and no direction for any specific work, nor limitation upon their powers, justified me in my action. Good State policy demands that the State should neither surrender to individuals the control of its forests and waters for private experiments, nor open to speculative ventures the public money. The State is a trustee for all its citizens, and to resign that trust would be to abandon its sovereign functions. Had the necessity for the passage of this bill existed which is claimed by my critics, it is strange that the Senate and Assembly did not overrule my veto, which they had the power and which it was their duty to do in such an event, if my veto was not just and proper. The acquiescence of the Legislature by refusing to pass the bill over my veto is a distinct indorsement of my policy, and it deserves praise for its reconsideration which saved the taxpayers the payment of \$107,000 through an idle and ill-considered measure from which the State would have reaped no advantage.

But, at all events, the advocates of this mischievous and expensive bill may console themselves with its loss in the fact that if, unmindful of the public welfare, I had given it my approval, the measure itself might have been nugatory by reason of its probable unconstitutionality.

Such laws as you may choose to pass in aid of irrigation should be drawn in a manner not to interfere with vested rights, nor involve the State, inextricably, with Federal management and control, so as to embarrass and subordinate the rights of the State in its waters; nor entangle, with Federal questions of control, the interests of farmers, fruit-growers, and other users of water so as to necessitate long litigation in Federal courts for their final determination, and postpone for an indefinite time the enjoyment and exercise of those interests.

In conclusion, I wish to repeat and emphasize the fact that I am heartily in favor of all proper and adequate laws which will conserve the waters of the State and safeguard its forests, and I believe in the allowance of sufficient State appropriations to carry into effect practical State projects and plans; but such appropriations should neither be continuous nor excessive so as to become burdensome to the citizens, nor should the State attempt to trench upon the domain of the Federal Government nor undertake projects and plans which the Nation is willing to execute and the expenses of which it is willing to assume.

THE CRIME OF LIBEL SHOULD BE MADE A FELONY.

The social, moral, and material interests of the State depend upon the honor of the individuals who constitute it.

Material wealth is but a means to the mental, moral, and physical good of the members of a commonwealth.

Public wealth rests primarily upon public honor, and public honor is the aggregate of the good reputations of the people who form the constituent elements. The people, therefore, have a most vital interest in the subject of their reputations singly as well as collectively.

Commerce moves with public honor and credit, and public honor and credit rest ultimately upon a series of individual confidences.

The light of a good reputation, though centered in personal character, derives its principal brightness and efficiency from sound public judgment.

Our laws, both civil and penal, are strictly framed and multiplied to meet all emergencies in our supreme effort to protect the material property of our State, its citizens, residents and temporary sojourners.

Our laws, both civil and penal, are numerous and stringent for our physical protection against death, illegal restraint, and bodily injury. Yet, strangely, the greatest of our constitutional rights, that which we most prize, which alone makes life worth the living, upon which depends the right of enjoying life and liberty and of pursuing happiness (Art. I, Sec. 1, Constitution of California)—the right to be preserved in that good reputation and character which we labor and struggle to earn and leave as a heritage to our children—this supreme right is less fortified in law than our most trivial rights of property.

In England, in the latter part of the eighteenth century, when the press had scarcely a voice and human life and liberty were at the beck of an absolute despot, and when the law concerning seditious libels was formulated in the cabinet of the King, and docilely announced from the bench by corrupt and willing judges, it became necessary for a freedom-loving people to resort to a technical defense in favor of the press by claiming that the jury in cases of libel had the right of determining both the law and the fact.

This position, subsequently enacted in the form of a statute by Parliament in the reign of George III, became a safeguard for press utterances in England.

But in this country the press never was enslaved. Breathing the free spirit of the American colonies, it required no such fiction and no such guaranty. The construction and interpretation of our laws by our courts have always strongly favored those accused of crime. It remained, however, for the majority of the framers of our State Constitution to engraft this English provision in our bill of rights, where it now appears in Section 9 of Article I of the present Constitution, in part copied from the old Constitution, its effect being to give the libeler a superior standing among criminals.

An eminent member of the State Constitutional Convention of 1878, now one of the learned Justices of our Supreme Court, in urging the convention to place the criminal libeler upon the plane of other criminals by allowing the judge and not the jury to determine the law of the case, thus tersely and cogently illustrated the point:

"If a thief robs you of your property he has not done you an irreparable injury, for you can acquire more; but when he destroys your character he destroys that by which you acquire property. I am not speaking of character in the sentimental sense. If he should assail your character, by which you earn your living, then he is in fact destroying your property. In that sense character is the dearest thing we have—the most valuable. Now, sir, the man who steals your property must be tried by the ordinary laws of the country, but the man who steals your character must stand above the law, spit in the face of the law, because he has a peculiar profession."

Unhappily, this sage advice and appeal was unheeded; hence, the libeler stands to-day in this State guarded, beyond all power of legislative interference, by a constitutional provision which makes him an aristocrat among criminals by reason of the singular prerogative which he may claim on his trial, that the law of libel is not to be taken by the jury from the lips of the court nor from the statutes enacted by the people, but must be determined by the jury according to their own interpretation, whims, and prejudices. Notwithstanding that the assassin of character is thus favored and protected by an extraordinary constitutional privilege, even though his dastard crime may destroy the fairest reputations of man and woman and drive the maligned to suicide or to a madhouse, yet, under our present laws, the punishment of this criminal is confined to a bare fine or a limited imprisonment in a county jail, leaving the alternative mode of punishment and the minimum penalty to the mere discretion of a possibly intimidated superior or police judge or justice of the peace.

If the libeler's privilege be greater than that of any other criminal, in view of the gravity of the crime, should not the grade be raised from misdemeanor to felony?

Public and individual wealth are subordinate to and of less value than public and individual honor and reputation.

Lord Bacon, living in an age of corruption, had a much higher appreciation of the worth of human reputation than would seem to be ours if we judge from the condition of our laws, for he said: "Men's reputations are tender things, and ought to be, like Christ's coat, without a seam."

The present great Emperor of Germany, last November, defending the memory of Mr. Krupp against newspaper defamation of the deceased manufacturer, manifested his abhorrence of the crime of libel in the following strong terms, the force of which must necessarily be impaired in the translation:

"This deed" (speaking of the libel), "with its consequences, is nothing less than murder, for there is no difference between him who mixes and presents a poisonous draught to another and him who, from the safe shelter of his editorial sanctum, with the poisoned darts of his slanders robs his fellowman of his honorable name and kills him by the mental tortures he inflicts."

Howsoever we may cherish our reputations and publicly and privately condemn libel, we have not, as a practical people, given force to our opinions, nor have we sufficiently entrenched ourselves against libelous assaults by the passage of laws meting out penalties commensurate with the gravity of this most flagrant and obnoxious crime.

It is made a felony by our criminal law to steal from the person of another the merest trifle of his personal property, or even, unsuccessfully, to make the attempt.

It is made a felony to creep secretly into another's barn or outhouse with intent to steal the smallest article of value.

But it is only a misdemeanor for one maliciously and deliberately to rob a man or woman of cherished reputation and destroy the honor which years of virtue and honest life have maintained, or foully to invade the privacy of a household, and unbosom and distort its family secrets through the dark innuendoes of a cowardly libel.

It is by our law a felony to attempt to rape the lowest courtesan, but audaciously and vindictively to defame the priceless chastity of purest womanhood is simply a misdemeanor hedged around with the quirks and quillets of the law.

It is by our law made a felony to steal a bicycle, horse, mare, gelding, cow, steer, bull, calf, mule, jack, or jenny, and the convicted offender may wear the stripes of the

penitentiary for a period extending from a minimum of one year to a maximum of ten years. Still, on the other hand, the penalty for the crime committed by the convicted destroyer of man's or woman's reputation is only a maximum fine of five thousand dollars, with a nominal sum as a minimum, or an imprisonment in the county jail for a maximum of one year, with a fractional part of a day as a minimum—the determination of the penalty, within those limits, resting on judicial discretion.

With such insufficient penalties imposed upon the crime, it is no wonder that the dignity of the press should be debased and that licentious journalism should be rampant.

The majority of the newspapers of the State, especially the rural press, are generally controlled and owned by brave, moral censors—men whose purpose in life is to purify public opinion, suppress vice and crime, and maintain, by public argument, the rights and liberties of the people. Unhappily, a few glaring instances are to be seen of newspapers, conducted by morally irresponsible corporations and certain millionaires, which represent, in fact, not the pure and free voice of public opinion, but the business and political interests of the owners, who use them as a means for the attainment of their own ambitions and the expression of their private hates and prejudices.

With few scruples and millions of dollars at their command, and actively interested in many political movements of the State for their own exaltation, these said proprietors have become such ominous elements as to menace the rights of the people and the security of the State.

Capable of misrepresenting public as well as private interests, when they can not dictate to public officers in the performance of their sworn duties, they do not hesitate to resort to vilification. Even State officials, with the many important interests under their administration, may become their victims, if their insatiate and insolent demands be not obeyed by them. A fine to such millionaire publishers, or a limited imprisonment, which does not place upon them the convict's stripes, is not a source of fear, nor can such minor penalties deter them from the course which ambition or revenge may select.

If timorous or pliant men should, under the present imperfect laws, chance to be elected to public office, it may well be foreseen that such officers may become the mere toys or tools of these ambitious publishers.

The reckless and libelous abuse of private character by a few certain newspaper proprietors is made more dangerous when they guiltily combine or conspire to aid or abet one another in defenses against actions for libel.

The rights of citizens should be protected from such conspiring libelers who thus prostitute the purposes and privileges of a free press; hence it is apparent that the punishment now prescribed by law is inadequate to act as a deterrent for so grave an offense.

It is time to reflect upon this menacing and growing peril. It is time that the people should by law assert their majesty. It is time to preserve the sanctity of good character from the wanton and malicious abuse by the harpies who befoul it. It is time to place a public barrier against newspaper intimidation of private citizens, legislators, and other public officers, and to demonstrate that our State government must not be conducted by and for a few newspapers, but by and for the people.

No honest journalist can deem such necessary action subversive of his liberty and privileges or a limitation of the constitutional rights of the press.

While honest criticism of public officers is both a right and a duty upon the part of newspapers, and while it is also a right and duty to expose malversation or incompetency of all public servants, yet libelous abuse and caricature find no justification when, perchance, the policy of a public officer does not accord with the interests or views of the libeler.

If individual reputations may be torn to shreds at the sport or malignant will of a libeler who stands intrenched behind his moneybags, yet public officers ought at least to be permitted to conduct official duties without interference and vilification.

If no constitutional law can be devised by the Legislature to reach this desired end, an amendment to the Constitution tending to abate this alarming evil may in the future become a grave necessity.

At least for the present, as a remedy against wanton and libelous assaults upon the reputation of private individuals and public officers, respect for law and decency may possibly be enforced by making the crime of libel a felony, with a maximum penalty of twenty-five years' imprisonment in the State prison and a minimum imprisonment therein of one year.

It seems to me that it would be no injustice to the press of the State, nor curtailment of its proud liberty, to raise the value in law of man's and woman's reputation, especially considering the fact that the privileged libeler may still stand upon his extraordinary constitutional right of having the jurors, and not the court, determine the law.

As it is but just, however, that there should be no special privileges given to one class accused of crime over another, I recommend a constitutional amendment changing Section 9 of Article I of the Constitution, whereby this legal anomaly of now permitting the libeler to submit the law for the determination of the jury be abolished, and the court be given the power to determine the law as in other cases.

PARDONS, COMMUTATIONS, AND REPRIEVES.

Since my first biennial message, January 7, 1901, I have granted seven pardons and five commutations, as specifically set forth, with my reasons, in "Appendix B" to this

message, to which reference is made. This number, added to one pardon and one commutation previously granted and which are described on pages 38 and 39 of my first biennial message, make a total of eight pardons and six commutations granted during my administration up to the date of writing this message.

Of these, four pardons and one commutation were issued to persons serving in county jails for misdemeanors, and four pardons and five commutations were issued to persons serving sentences for felonies.

There are, besides, over a hundred applications awaiting my decision, while hundreds have been denied by me.

If my sense of duty were to be counteracted by purely charitable feelings I should regret that my record of pardons and commutations has been and will be so very much below that of all of my distinguished predecessors in office. What was said in my first biennial message upon this subject, I repeat as a part of the reasons which have impelled me to so strictly examine the numerous applications presented, and to grant so few of them as compared with the number of those granted by former Executives.

"The tendency of the human mind is not to resist, but to yield to the appeals of unfortunate criminals and their heart-broken relatives.

"There is a higher duty which the Executive owes to the people. He must not allow his personal sympathies to be swayed. The law-abiding people of the State require protection. Crimes, whether due to weakness of nature or to cool deliberation, must be punished. To liberate criminals upon the appeal of relatives in all instances where the convicts have repented and have served very long and severe sentences, would be practically to declare that crimes should not be punished."

"In nearly fifty per cent of the cases which have been presented, the applications are accompanied by a petition signed by the jury which convicted the criminal, and by a letter of the trial judge, expressing his opinion that the sentence imposed was, perhaps, too severe, or that the ends of justice would be subserved by the liberation of the convict.

"This means of attempting to shift the responsibility of a severe sentence upon the Executive is not an argument which can have much effect upon me where the trial has been presumably a fair one, and where the evidence tends to prove the guilt of the accused.

"Judges are sworn to do their duty. The trial judge has the case before him, with the living witnesses, whose demeanor and words bear the impress of truth or falsehood. The judge has heard the case, and while the jury may convict, the power of granting a new trial still rests with him.

"Under these circumstances, acting upon the presumption that the sworn officers of the law have done their duty, I have steadfastly disregarded such appeals in clear cases.

"I have patiently examined each case in the light of my duty to the people, and while my heart has many times urged me to sign the paper which would bring joy to the prisoner and to his anxious friends, yet my oath of office and my responsibility to the people to maintain the law have demanded a different course."

GRASSHOPPER PEST.

During the months of June and July and the early part of August large swarms of grasshoppers invaded several counties of this State, doing much damage, particularly in the counties of Placer, El Dorado, Sacramento, Fresno, and Tulare. The counties of Placer and El Dorado were their breeding-grounds, from which places they drifted to adjacent localities and thence southward through the Sacramento and San Joaquin valleys, and scattered in moderate swarms through a few of the counties of Southern California. The damage done and threatened in the county of Sacramento was such as to induce the Supervisors of that county to appeal to the State Board of Horticulture, they being unable to agree with the officers of Placer and El Dorado counties upon a joint plan of action. The members of the Board of Horticulture, upon the opinion of the Attorney-General, found that their powers were too restricted to afford adequate relief, and conferred with me upon the proposition of burning the infested lands.

In view of threatened litigation if this remedy were resorted to, I advised the members to contract with the owners for the burning of the infested lands, upon the understanding that I should recommend to the Legislature an appropriation covering their estimated loss, not to exceed \$10,000. This plan was not, however, carried out by the board.

Throughout this serious trouble, the excellent practical work, great knowledge, and tact of Prof. C. W. Woodworth, of the College of Agriculture of the State University, were of great value to the farmers and fruit-growers of the State, and his assiduous labors are worthy of high commendation.

Considering this great danger and its probable recurrence in the future, it would be advisable that the law be amended so as to increase the powers of the State Board of Horticulture so as to deal effectively with similar conditions hereafter occurring.

The following recommendations made by Professor Woodworth, in Bulletin No. 142, University of California publications, entitled "Grasshoppers in California," seem to me very pertinent:

"It will be imperative, if the hopper situation is to be controlled in the State, that the laws be so amended that there will be definite provision giving some one in each

locality the power to conduct the local fight against the hoppers. Perhaps the best way in which this can be accomplished would be to definitely enlarge the powers of the county horticultural boards and specifically make it their duty to look after the hoppers of their county. This has worked very satisfactorily in the grasshopper fights of other States, and there seems no reason why this machinery already created in this State should not be utilized in this way. There will be really no need of creating any new powers, but merely making the powers we have now for fighting scale insects apply also to the fighting of the grasshopper pest. Of course it should be also clearly understood that in this matter these county commissioners shall work under the directions of the competent supervision insisted upon above.

"State Authority.—The experience this year in Sacramento and adjacent counties shows that it is very important for the success of this work that there shall be a central authority, equally powerful with the local authority, whose duty it shall be to undertake work where adjacent districts are in danger and where the local authority neglects or fails to act. As the horticultural law now stands there is no one who has any power to step in between counties and prevent the inaction of one resulting in a loss to the other. When the horticultural laws were framed the insects had in view were the scales, which are very slow and poor migrants, so that there was scarcely any danger in one county from the neglect of the authorities of the other. With the grasshopper the situation is entirely different. This matter would be put in the proper shape if the State Board of Horticulture were given the same powers possessed by the county boards, which at present the law expressly denies it."

FALSE REPORTS CONCERNING THE EXISTENCE OF BUBONIC PLAGUE IN CALIFORNIA.

In my first biennial message, January 7, 1901, I referred, at some length, to the subject of certain false and exaggerated reports concerning the alleged existence of bubonic plague in San Francisco, which, through the interest, ignorance, or recklessness of a few persons, were indiscriminately published in the year 1900, and thereafter intermittently continued.

The falsity of the reports has been frequently proved, but, unfortunately, through the ill-designed efforts and action of Dr. J. J. Kinyoun, assuming to represent the United States Marine Hospital Service at San Francisco, and of the members of the San Francisco Board of Health, much damage nevertheless accrued to the various commercial, industrial, and other productive interests of the State, injuring alike the laborer, merchant, farmer, and fruit-grower.

The temporary quarantine established over the State, June 16, 1900, through the interest, ignorance, overzeal, or possible vindictiveness of Dr. Kinyoun, for a time checked many of our exports and, besides, injured the fair name of our State for health.

For several weeks previous to the said quarantine, after a long and careful personal examination and inquiry in San Francisco, entailing much labor, in which I was assisted by many impartial eminent physicians, bacteriologists, and representative citizens, I arrived at the true conclusion that no case of bubonic plague had been found to exist in San Francisco or elsewhere in the State.

On June 13, 1900, in response to a telegram of inquiry from the Honorable John Hay, United States Secretary of State, I telegraphed to him an exact and detailed report of the situation, together with my conclusion that no case of bubonic plague had existed or was known to exist within our State.

This telegraphic report, which will be found on pages 9 and 10 of my first biennial message, was signed and concurred in by eminent bacteriologists, medical experts, and prominent citizens. However, through the misleading reports of Dr. Kinyoun and his local medical allies, notwithstanding all my efforts as Executive and long and frequent explanations to the United States authorities at Washington, it was difficult to convince the Surgeon-General of the United States Marine Hospital Service of the true condition of the health of San Francisco.

I do not wish, in any manner, to impugn the motives or scientific knowledge of the eminent Surgeon-General for his temporary bias, because he was personally distant from the scene and unacquainted with the methods and policy pursued by Dr. Kinyoun and his assistant plague-advocates. Besides, I am satisfied that if we had been so fortunate at the time as to have had his personal investigation and diagnoses of the various cases, upon which Dr. Kinyoun acted, there would have been a summary removal of Dr. Kinyoun and a prompt vindication of the health of the State.

The situation was rendered more critical and my actions for the abatement of the general scare and false rumors obstructed by the policy pursued by a few reckless, selfish, and unpatriotic proprietors of newspapers within this State, who, urged by personal malice, prejudice, or hidden interested motives, published in their personal organs that the plague was in reality epidemic, and that the health of the people would be endangered through the removal of the Federal quarantine.

While the general press of the State sustained my position, yet the fulmination of these false and defamatory publications by this dissentient and hostile minority strengthened the position of Dr. Kinyoun and his assistants, and the same vicious reports being circulated widely in other States imperiled our commerce by hampering the exportation of our various products and industries. Dr. Kinyoun, encouraged in his unjust policy by the pernicious assistance of these few newspapers, continued his one-sided examination of the health conditions of San Francisco, and whether through inexperience, ignorance, or other cause, labeled as plague-stricken nearly every unknown

case of death examined by him and found in the Chinese quarter, and characterized as either true plague or a suspicious case many Chinese invalids who were afflicted only with tuberculosis, venereal diseases, and the like.

The roll of so-called plague cases was increased. The report was unjustifiably heralded throughout the world that bubonic plague was epidemic in our State, and Dr. Kinyoun, in an endeavor to vindicate his own outrageous blunders as a physician, on the 16th of June, 1900, publicly announced the Federal quarantine of this State in defiance of the law and the rights of the people of California.

The following telegram sent by me to the President on the day of the quarantine explained in clear terms the character of Dr. Kinyoun's acts against our State:

Telegram from the Governor to President McKinley.

"SAN FRANCISCO, CAL., June 16, 1900.

"The President, Washington, D. C.:

"Dr. Kinyoun, the Federal Quarantine Officer of this port, claiming to act under your authority, has unreasonably and unnecessarily quarantined this State in opposition to my full and fair report to the Honorable Secretary of State, under date June 14, 1900, and also, among other things, in opposition to the opinion of Judge Morrow, of the United States Court, rendered yesterday, dissolving the quarantine.

"Through Dr. Kinyoun's conduct in the past, as well as his present action, the reputation of the State, the rights of citizens as well as the rights of foreign subjects, are outrageously impaired. The following is a copy of his last orders served upon the various transportation companies:

"OFFICE OF MEDICAL OFFICER IN COMMAND,
"MARINE HOSPITAL SERVICE, SAN FRANCISCO, QUARANTINE,
"SAN FRANCISCO, CAL., June 15, 1900.

"Santa Fé Railway Company, San Francisco, Cal.:

"GENTLEMEN: In accordance with the law of March 27, 1890, and the regulations made thereunder and promulgated by order of the President under date of May 21, 1900, you are hereby notified and directed until further orders not to issue transportation to any one leaving San Francisco for other States or Territories of the United States, unless on presentation of certificate signed by a Marine Hospital officer. Inspectors of the Marine Hospital Service now stationed at the State borders have been instructed to allow no passengers coming from San Francisco to pass the borders of the State on any common carrier unless a certificate is furnished. This has been made necessary on account of the lifting of the quarantine by order of the Federal court, thereby allowing people who have possibly been exposed to the infection of plague to leave this city for other States.

"Respectfully,

"J. J. KINYOUN,
"Surgeon M. H. S., Quarantine Officer A. M. R."

"I am informed that Dr. Kinyoun transmitted dispatches yesterday to Washington, through official channels, wherein are contained unwarranted statements and improper reflections. He has been advised by the United States District Attorney that his course is unjustifiable, and he refuses to withdraw his last order of general quarantine without further instructions from Washington.

"On behalf of the people of California, I respectfully protest against his actions, and request immediate relief for the people of this State, the traveling public, and the commercial interests of the coast.

"Your most obedient, humble servant,

"HENRY T. GAGE,
"Governor of the State of California."

Two days thereafter, namely, on June 18, 1900, upon the order of President McKinley, the quarantine was released; but, although the President acted promptly upon being advised of the true situation, the publicity of the matter gave a plausible reason for some of the States, notably Texas, to quarantine against our products and to hinder travel.

Notwithstanding the summary removal of the quarantine, Dr. Kinyoun did not abate his injurious policy of falsely representing to the Surgeon-General of the United States Marine Hospital Service, the existence of plague in San Francisco, thus proving himself a continuous source of peril.

So hostile had Dr. Kinyoun become to the acceptance of any proof against his theory of plague that I am satisfied it was largely through his instrumentality and that of the San Francisco Board of Health, and to uphold their false positions, that three biased alleged experts were subsequently sent from Washington to our coast to make a report to Surgeon-General Wyman whether the plague was epidemic as previously reported, and whether the action ordering the quarantine was justifiable under the circumstances.

It was a very singular coincidence that, at this time, in conjunction with this increased harmful activity of Dr. Kinyoun and the arrival of these alleged experts, certain large capitalists in control of a transcontinental railroad line and of shipping and other interests in the Northwest, were most industriously disseminating the injurious reports of the plague at San Francisco, and were using them as an argument to induce the United States Government to change its transport service from San Francisco to Seattle.

On the 26th day of January, 1901, in the middle of the busy session of the Legislature, I was suddenly notified that these alleged plague experts were sent by the United States medical authorities at Washington and were already in San Francisco secretly making a one-sided examination of the alleged plague with the assistance of Dr. Kinyoun and his plague allies. Alarmed at this grave menace to the general interests of our citizens in the event that this partisan medical body should give publicity to their prejudiced findings, and indignant that our State should be so discourteously treated, I telegraphed as follows to the President:

Telegram from the Governor to President McKinley.

"EXECUTIVE DEPARTMENT, SACRAMENTO, CAL., January 28, 1901.

"The President, Executive Mansion, Washington, D. C.:

"I have been informed that Treasury Department has sent a commission of experts to this State to examine the pretended plague cases heretofore reported, as well as present health conditions, which commission is now about to commence investigations, ignoring the State authorities in the matter, and proceeding in line with reports heretofore made by Dr. J. J. Kinyoun to Surgeon-General of Marine Hospital Service.

"I hope that in this matter of vital interest to the people of California there is no intentional discourtesy on the part of the officer directed by the Treasury Department to supervise this investigation.

"In this matter, which concerns deeply the welfare of this State, I respectfully request that co-operation with the State authorities by such experts should be advised, in order that the State may select eminent home bacteriologists and physicians, as well as, if deemed necessary, bacteriologists and physicians from other States and countries, to examine the same suspected cases, so as to arrive at a correct and impartial conclusion.

"I dislike much now to call your attention to this matter, but the irreparable injury heretofore done to this State by unfair and *ex parte* examinations warrants this appeal.

"Your most obedient, humble servant,

"HENRY T. GAGE,
"Governor of California."

On January 30, 1901, I received in reply a telegram from the Honorable the Secretary of the Treasury, which, while disclaiming discourtesy, was sufficiently indefinite as to justify my belief that the course outlined by the United States medical authorities would be effectively carried out. This I inferred especially from the following sentence of Secretary Gage's telegram, declining State co-operation in the examination of the suspected plague cases, to wit:

"It is expected to ascertain the facts, and the Department does not feel it should hamper the commission in its method of investigating and getting at the facts."

Inasmuch as all my efforts with the United States medical authorities were unable to secure up to that date a fair and impartial investigation of the health conditions of the State, so serious did the situation become that on January 31, 1901, I transmitted a special message to the Legislature, then in session, setting forth the gravity of the matter and appealing for necessary legislation and, among other things, I said:

"The previous inaccurate reports respecting the existence of bubonic plague in this State, which has resulted in the injury to the reputation for health, as well as in the injury to its citizens, industries, and commerce, have been the consequence of a system of *ex parte* investigation, without opportunity of State examination or superintendence.

"The repetition of such investigations upon secret lines, without public scrutiny under State authority, as have been heretofore pursued, will imperil the welfare of every citizen and inhabitant of this State, and will bring distress to the farmer, orchardist, horticulturist, manufacturer, tradesman, merchant, as well as to all our marine and land transportation companies.

"The meanest criminal under the Constitution of the United States can not be denied the right of being confronted by his accusers, listening to their testimony, and subjecting them to cross-examination; and shall it be contended that the great State of California shall be unjustly denied a similar privilege in the opportunity of facing those who, impugning the public health, as the result of a secret and one-sided examination, might choose to cast an irremovable blemish upon the State's sanitary condition, on which the personal rights and property of her citizens in a large measure depend?

"The State being denied a hearing, I conscientiously believe, therefore, that legislation is immediately and urgently needed by which our State may assume that general and unrestrained control over the subject of the public health within its borders which so vitally concerns her, and which is her inalienable right by virtue of her sovereignty."

Meanwhile the experts, jointly with the assistants employed by Dr. Kinyoun, proceeded with their *ex parte* examination, and not until they had practically finished their outlined course did they apprise me of their presence and of a wish to meet me. The first official notice received from these supposed impartial experts was on February 1, 1901, when I received at Sacramento, while the Legislature was still in session, a formal letter signed by them, dated San Francisco, January 29, 1901, in which letter were contained, with other things, the following:

"Among the orders given to the commission is one stating that the members of the commission are to pay respects on a suitable occasion to the Governor of the State. In the meantime, the members of the commission are undertaking their investigation with as little publicity as possible."

And in fact, there was so little publicity, and it was such a dark-lantern proceeding, that no officer of the State nor unbiased expert was permitted to be present.

The day following, February 2d, I caused a courteous letter to be mailed to said experts, stating, among other contents, that I should be pleased to receive the members of the commission at the State Capitol at such time as the members might deem proper. To this letter I received no reply until February 13, 1901, when I received a letter signed by the experts, expressing their wish to have an opportunity of calling upon me, and requesting me to indicate a time and place.

Although it appeared very singular that these Government experts did not seem to know that official duty ought to have directed them to call at the Executive Department at Sacramento when a matter of such supreme importance to the people of the State was being investigated by them and was depending on their decision, nevertheless, on the receipt of this letter I caused to be mailed a reply reciting the contents of my previous invitation, and named for their convenience February 16, 1901, at 2 P. M., at room 380 of the Palace Hotel, in San Francisco, as the time for meeting.

They attended at this time and place, there being present, at my request, a few representative citizens.

The meeting was purely formal on their part, the experts refusing the proffer of State assistance and evading direct and pertinent inquiries, thereby making it clear that they had already finished their formal duties, and had arrived at a conclusion in accordance with the prejudiced views of Dr. Kinyoun.

On the following day, February 17, 1901, being convinced, after another interview with these supposed experts, that their report was completed, I telegraphed the President, setting forth copies of my letters of invitation to them, and among other things, saying:

"The time and place last appointed was the first opportunity given me to meet the members of the commission. At this interview I tendered these gentlemen every assistance the State could render them in the premises, and expressed the desire to be permitted to investigate the question at issue jointly with them. To-day, however, they inform me that their report will be ready for transmission to Washington to-morrow.

"Thus the State has been denied every participation in this investigation, while at the same time the commissioners have been constantly aided by Dr. Kinyoun's assistants. This the commissioners admitted in an interview with me yesterday. Should their report to the Department state that the plague exists here, such conclusion will be regarded by our people as the result of an unfair, unjust investigation. Before such report receives the approval of the Federal authorities at Washington, or be made public, I most earnestly and respectfully request that a reinvestigation be had at once, in which case the Government may appoint three commissioners and the State of California three others, all to have power to select a seventh member in case such commission be equally divided in opinion. The decision of such a commission would and should be regarded and treated by every one as decisive. If this most important but humble request be denied us, then we respectfully submit that before the commissioners' report be made public, and prior to taking any action thereon, the representatives of this State to be sent from here should be accorded a personal hearing in Washington, to the end that undue alarm and consequent injury may be avoided. Whatever differences of opinion may at this time exist as to the existence or non-existence of plague, no one can honestly be of the opinion that the disease is epidemic in San Francisco, nor can anybody seriously contend that ample protective and preventive measures can not be taken in the premises, without even spreading great or any alarm among the people and without disturbing our commercial affairs. I take pleasure in assuring you, notwithstanding anything that may have been said to the contrary, that California wishes to co-operate with the Federal authorities in this most important matter, having in view not only our own but the welfare of the whole people, and I implore you to afford our State an opportunity for such co-operation."

To this telegram the Honorable the United States Secretary of the Treasury replied as follows:

Telegram from Hon. Lyman J. Gage, U. S. Secretary of the Treasury, to the Governor.

"WASHINGTON, D. C., February 19, 1901.

"His Excellency, the Governor of California:

"Replying to your telegram of the 7th instant to the President, while the Department does not deem it necessary to join in a new commission as you propose, it is not its purpose to make public the report of the present commission till you are advised of its purport, and even then the matter will be very seriously considered before any action is taken. The Department is in accord with you in your desire to prevent unnecessary alarm and to consider measures with the least possible publicity or disturbance of commercial affairs, and will pursue this policy both with regard to its commission in California and its action at this end. In other words, it will endeavor to prevent undue publicity, and desires to, if possible, avoid publishing any report. The Department accepts with pleasure your suggestion to send a special representative of the State, believing he can familiarize himself with the situation here and trusting it will result in co-operation.

"L. J. GAGE, Secretary."

Realizing that it would be difficult to select, immediately, a representative who would be sufficiently familiar with all the facts to explain the situation to the Federal

authorities at Washington, I sent a telegram, on February 19, 1901, to the Secretary of the Treasury, stating, among other things, that if the matter of action on the report of the experts could be deferred until after the adjournment of the Legislature, then sitting, that I would personally present the matter to the Treasury Department. This proposition did not, however, meet the views of the Secretary of the Treasury, who intimated his disapproval of a delay in a telegram to me dated February 21, 1901, expressing, however, assurances that it was the wish of the Department to avoid publicity and cause the least possible detriment to commercial interests.

While these matters were pending between the United States Treasury and the Executive Department of the State, early in February, it was deemed advisable by the Surgeon-General to remove that very objectionable character, Dr. Kinyoun, whose attitude was so exceedingly adverse to our State interests as to jeopardize the harmony existing between the Executive Department and the United States Marine Hospital Service. Dr. J. H. White was selected in place of Dr. Kinyoun in this particular matter, and while his honesty of purpose can not be gainsaid, it is to be regretted that his personal views were limited and biased by the previous report of the so-called experts that plague was actually epidemic in San Francisco—a report ludicrous by lapse of time and in the light of subsequent events.

Dr. White's personal reports, therefore, to the Surgeon-General, were at least unconsciously colored, and, notwithstanding his tact and wish to impartially investigate the conditions, his course was impeded by the publication of the substance of the report of the alleged experts, and of the personal opinions of Dr. Kinyoun, who had not as yet been removed from the State, in those few sensational newspapers whose proprietors upheld for their own selfish interests the false rumor of the prevalence of plague.

After several consultations with Dr. J. H. White, the Federal officer in charge at San Francisco, I felt that the Surgeon-General of the U. S. Marine Hospital Service might not recede from the position taken, and that some compromise was necessary for the best interests of the State, notwithstanding the fact that plague did not exist. Money was needed also, in the event of an emergency, for the State to rid itself of the odium of plague caused by the said numerous publications; hence, on February 19, 1901, the Legislature passed an Act entitled "An Act to prevent the introduction and provide for the investigation and suppression of contagious or infectious diseases and appropriating money to be used for such purpose," wherein the sum of \$100,000 was authorized to be expended by the State Board of Health under the direction of the Governor for the investigation and suppression of bubonic plague and other infectious and contagious diseases.

Upon the 25th of February, 1901, the United States medical authorities still insisting upon their position that the plague was epidemic in San Francisco, I telegraphed the Secretary of the Treasury, as follows:

Telegram of the Governor to the Secretary of the Treasury.

"SACRAMENTO, February 25, 1901.

"TO HON. LYMAN J. GAGE, Secretary of Treasury, Washington, D. C.:

"In reply to your dispatch of date February 21, you are aware that a dispute originally arose between the Federal authorities and the State authorities in reference to health conditions of California; and whereas, since then, the Federal authorities have made investigations in which the State authorities were not allowed to participate; and whereas, the commissioners who prosecuted the investigations for the United States, under such circumstances, have concluded that the health conditions of San Francisco need certain attention; and whereas, heretofore I expressed my views in regard thereto by message to the Legislature of California; still, in view of all of the circumstances and conditions, believing that it will be for the best interest of all concerned, first having been assured by your office that your Department would take the steps hereinafter referred to, if requested, and in the performance thereof would, among other things, be particular to avoid publicity, and that the management would be pursued with the least possible detriment to our commercial interests; and believing that, if the Federal authorities be given control in the premises, all other States of the Union may be better satisfied, and that all general quarantine of this State and of its cities will be thereby avoided, and that all quarantine of other States against this State may be avoided, and so forth, I therefore respectfully request the United States authorities to take charge of the matter within this State and deal with the situation from the standpoint of the report of its commissioners, but without cost or charge to this State, at the same time assuring you of my hearty co-operation.

"I thank you for your courtesy, and await your reply.

"HENRY T. GAGE,

"Governor of the State of California."

On the following day I received from the Secretary of the Treasury this reply, namely:

Telegram of the Secretary of the Treasury to the Governor.

"WASHINGTON, D. C., February 26, 1901.

"His Excellency the Governor of California, Sacramento, Cal.:

"Acknowledging receipt of your telegram of the twenty-fifth, the Department wishes to express its appreciation of your courteous attitude in the matter under consideration, and desires to submit to you the following suggestions, namely, that in the work to be

performed, while all ordinary expenses incurred in the payment of its own officers may be met by the Department under the law in accordance with usage, the chief burden should be borne by the City of San Francisco. The Mayor and other necessary local authorities should be notified, as were you, with a view to an understanding as to this matter. No municipality has ever depended financially upon the Government under like circumstances, though there have been numerous parallel cases during epidemics of yellow fever. Even if the Department should be willing, contrary to its announced policy, the matter would have to be brought before Congress for an appropriation, which is now practically impossible, and would moreover give undue publicity. Surgeon White will be the agent of the Department, in charge of the whole situation, which, in view of the return of troops in the near future from the Philippines through San Francisco, will be doubly necessary. Please answer as to above suggestions.

"L. J. GAGE, Secretary."

The necessity becoming urgent of appointing representatives from our State to consult with the United States medical authorities at Washington, and remove the existing tension, on February 27, 1901, I appointed able and distinguished citizens—Messrs. John P. Young, Henry T. Scott, T. T. Williams, and W. F. Herrin—to act as special State health commissioners and proceed to Washington and communicate with the authorities in charge concerning the health conditions of San Francisco and of the State. On March 1, 1901, I duly issued commissions to these citizens, and, also, on the same day issued to the accomplished Mr. Fremont Older a separate commission to represent both the City of San Francisco and the State with the aforesaid commissioners. My selection of the commissioners was most fortunate, for these gentlemen succeeded, as far as it was possible, in convincing the Federal authorities that the health conditions of the State had been misrepresented by those who had reported the plague as epidemic in San Francisco. The work of the commissioners was completed with much tact and wisdom, and I deem it necessary to append their report for the purpose of explaining the work done under State direction for the relief of the people in conformity with the requirements of the Federal authorities. This report is annexed to this message, and also the special report of the State Board of Health, dated August 27, 1901, which are marked "Appendix A," and reference is made thereto.

It will be seen from the annexed report of the Special Health Commissioners that an arrangement was made with Dr. J. H. White, representing the United States Marine Hospital Service, the Mayor of San Francisco, and the State Board of Health, whereby a joint investigation and cleansing of Chinatown were undertaken under the direction of the Federal medical authorities, the expense of which was to be sustained by the City and County of San Francisco and the State jointly in certain agreed proportions, as shown on page 7 of the report of the commissioners.

In pursuance of this agreement it appears from the report of the State Board of Health, dated August 27, 1901, set forth in Appendix A, that the work of disinfecting, cleansing, and fumigating Chinatown under the supervision of Dr. J. H. White, representing the United States Marine Hospital Service, was commenced by the State Board of Health April 8, 1901, and occupied upward of seventy days, during which time numerous cases of alleged plague were examined.

In every instance where a complete diagnosis was made by Federal officers, *in the presence of State officers*, the suspicion of plague was fully disproved, which has been since admitted to be the fact by Surgeon-General Wyman through his dispatch to me dated June 18, 1901, which is herein set out at length. This frank official opinion of the Surgeon-General not only rested upon the experience of that joint investigation, but is equally true when applied to the subsequent conditions. What stronger or more conclusive proof in the premises of the non-existence of plague can be adduced than the well-known and recorded fact that during all the time since 1900 there have been fewer deaths in Chinatown in proportion to its population than in any other portion of San Francisco? Is it not the height of absurdity to claim there is an epidemic of plague raging in a given place which presents a smaller death-rate than any other locality? And it is an indisputable fact that the comparative death-rate in San Francisco is exactly as I have here stated it, notwithstanding that the Federal records made early in 1900 contained the report that plague was then epidemic in that city.

The members of the State Board of Health in their aforesaid report summarize their labors as follows:

"The State has scrubbed an area equal to 525 acres, and in addition thereto, fumigated about 30,000,000 cubic feet of dwelling apartments.

"Have seen 307 sick cases and autopsied 103.

"Total cost to date, \$37,518.

"Number of days cleansing Chinatown and visiting the sick, 142. *During all of which time we have not observed a single case of bubonic plague.*"

In concluding their report they say:

"At the beginning of this work the Federal authorities who co-operated with us were of the opinion, based upon reports of others more or less trustworthy, that bubonic plague was prevalent among the Chinese of that city, and that it would be readily found

as soon as proper investigation was had. During this period of fumigation, disinfecting, and cleansing, no effort was omitted on our part nor on the part of the Marine Hospital representatives to locate and identify the presence of plague.

"At the conclusion of the work, as thorough and searching as it could possibly be made, no case of bubonic plague was found, nor was any indication of its having been there discovered. If plague had existed in San Francisco just prior to this sanitary investigation, it would have been there during the months of April, May, and June, because no efforts had been made to suppress it and no precautions taken to prevent its spread.

"It is safe, therefore, to say that the evil reports of the presence of that disease in San Francisco were based upon error in diagnosis upon the part of incompetent investigators. We take great pleasure in assuring you that plague does not exist in San Francisco, and that it never has had lodgment there, nor elsewhere in California."

The people of the State owe a debt of gratitude to the members of the present State Board of Health and their assistants for the zealous, painstaking, and successful discharge of their many difficult duties in this connection.

During the progress of this work of cleansing Chinatown, Dr. White, observing the low mortality and small number of sick among the Chinese, in proportion to their numbers, and failing to find a single case of plague, on May 18, 1901, wrote to me deducing an unfavorable conclusion from these good sanitary signs and intimated a bare and unfounded suspicion that the sick and dead were being secretly removed by the Chinese from San Francisco to other towns and cities. Upon this hypothesis he requested leave that he should be authorized through his agents to investigate sickness and deaths in any other town or city in this State.

This demand seemed so unjustifiable, that on May 28, 1901, I telegraphed him as follows:

Telegram of the Governor to Dr. White, U. S. Marine Hospital Service.

"SACRAMENTO, May 28, 1901.

"DR J. H. WHITE, Surgeon Marine Hospital Service,

No. 420 California Street, San Francisco, Cal.:

"You will please take notice that the State authorities have not requested you nor any other officer of the Federal Government to investigate or participate in an examination of the health conditions of the State outside the limits of the City and County of San Francisco, and that the State Board of Health is complying in every respect with the conditions requested by the Federal authorities, and is fully carrying out the agreement with the U. S. Treasury Department.

"I have always been ready and desirous of making the most searching investigation into the health conditions of San Francisco and other points within this State, but the investigation should be conducted on fair and honest lines by those representing the Federal Government and the State.

"I decline to allow you to assume control of State health affairs, and pursue secret and hidden investigations. The State authorities are now and always have been abundantly able to look after the health concerns of the State without interference. Your mere suspicion from the improved health of the Chinese district that the sick are being removed from San Francisco, is not only unwarranted as a conclusion, but I know it to be unfounded in fact. I therefore decline to authorize your agents, whose responsibility to me is unknown, to do as you have proposed and requested. If there is any city, town, or district within this State where you yourself desire to make examination, let me know, and I will send some one suitably qualified professionally to look over the matter with you. But one-sided secret examinations, such as have been witnessed in San Francisco, to its great detriment, and to that of the State, will not be permitted elsewhere.

"If you desire to have a conference with me at any opportune time, I will be pleased to comply with your wish, but communications by mail or telegraph are unsatisfactory.

"HENRY T. GAGE, Governor."

That the exceptional good health of the Chinese in San Francisco should lead to the inference of suppressed plague was an exceedingly novel position, which, had it not emanated from a high medical authority, might have been characterized as grim humor.

That the humor of Dr. White's position was not perceived by his superior officer will appear from the following telegram afterward received from the accomplished Surgeon-General:

Telegram from U. S. Surgeon-General Wyman to the Governor.

"WASHINGTON, D. C., June 18, 1901.

"HIS EXCELLENCY GOVERNOR GAGE, Sacramento, Cal.:

"Dr. White has arrived, and reports work of cleansing and disinfecting Chinatown, San Francisco, nearly complete, and that he is satisfied the work has been done by your agents under his advice in full compliance with the understanding. A few unfit habitations remain to be condemned; that work is in progress by the San Francisco super-

visors, and all will be completed within a few days. *It is a matter of mutual congratulation that no cases have been found during the progress of this work, and that the outlook is so encouraging.* For our mutual protection and interests I believe it very essential that the supplementary work indicated in Doctor White's telegram to you of June 7th should follow, as it will cause continued satisfaction and prevent comment and criticism of both the State and Service, which would otherwise be likely to follow. The bureau here is able, by reason of its central position, to know the sentiments which prevail, and a quiet performance of the labors suggested by Doctor White is in many points advisable from every standpoint. I have read this telegram to the Secretary of the Treasury, who coincides therewith, and if necessary will communicate with you himself. Will you kindly wire your views?

"WALTER WYMAN,
"Surgeon-General, M. H. S."

Our previous experience with the blundering investigations of Dr. Kinyoun, justified me in refusing to permit his successor to pursue *ex parte* examinations throughout the State, hence, I transmitted the following letter to Surgeon-General Wyman:

Letter of the Governor to U. S. Surgeon-General Wyman.

"JUNE 24, 1901.

"DR. WALTER WYMAN, Surgeon-General M. H. S., Washington, D. C.

"SIR: I am much pleased to receive through yourself assurances that the agreements made by this State have been performed 'in full compliance with the understanding,' and likewise greatly value the statement, emanating from such high scientific authority as yourself (especially having before us the past grave blunders of others not having had your wide experience), that now it is certain and a matter of mutual congratulation 'no case' (of plague) has been found during the progress of the work,' which result was by me at all times confidently expected.

"The State authorities have made thorough and extraordinary investigations, and I am fully advised as to the health conditions of California, and know there is no occasion at this time for the further investigation suggested by Dr. White, and am most happy to report that it will not be necessary for your department to be further burdened.

"However, if it is your pleasure, as a mere precautionary measure, to make further autopsies, or if there is any city, town, or district within this State which you, through your department, desire to inspect, please be good enough to name such competent persons as you desire and I will most cheerfully send others qualified professionally and in every particular to co-operate and look over the situation with them, and thereby further your highly commendable purpose in that regard. But one-sided or secret examinations (not at all times participated in by the State), such as have, in the past, been witnessed in San Francisco, to its irreparable detriment and to that of the whole State, you can readily see, from the result of your own recent searching and valuable examination, should not, and can not, be again permitted.

"I appreciate most deeply your kind offices and shall be glad to co-operate with you in future.

"Respectfully yours,

"HENRY T. GAGE."

For some time after the cleansing of Chinatown no claim was made of the discovery of additional plague cases. But the *restive spirit of science* was subsequently manifested through the investigations of a certain bacteriologist whom Dr. Kinyoun had left as a legacy to Dr. White, hence reports of alleged cases have been since occasionally published as the result of his *ex parte* investigations.

These reported sporadic cases have been more numerous whenever it was imagined that the vigilance of the State Board of Health had relaxed, and they have been verified only by those medical gentlemen who, at an early stage, favored the theory of Dr. Kinyoun and whose pride of opinion has prevented them from being convinced of their self-deception.

Perhaps it would be only fair to say, that the medical investigators, in most instances, who have contended that plague existed in San Francisco or elsewhere in this State, have been honest in their opinions and purposes, but that their judgments have been warped, their experiments have been hasty and incomplete, their inductions partial and inaccurate, and their conclusions, therefore, necessarily illogical and untrue.

Since writing the foregoing, I have had the great pleasure of meeting in San Francisco that very able gentleman hereinbefore referred to, Surgeon-General Walter Wyman, for many years last past and now having charge of the Marine Hospital Service of the United States, and whose recent visit to California to personally inspect the health conditions of the State will, assuredly, reveal to him the ignorance and vicious conduct of Dr. Kinyoun and his plague adherents. Surgeon-General Wyman is not only a highly distinguished public officer, but also a medical scientist appearing to have very conservative views, and I think it is therefore safe to predict that he and his proficient and accomplished assistant, Dr. Glennan, will save us from all further annoyance of threats of improper quarantine and of inaccurate reports growing out of reckless investigations.

One of the dearly-learned lessons taught by this unfortunate plague scare is the duty of our people, while always respecting Federal prerogatives, sacredly to guard the State in the future against all encroachments upon its rights.

FUNDS FOR THE PREVENTION AND SUPPRESSION OF INFECTIOUS AND CONTAGIOUS DISEASES.

Out of the fund of \$100,000 provided by the Act of February 19, 1901, and the fund referred to in the Act approved March 23, 1893, for the prevention and suppression of infectious and contagious diseases, the State Board of Health has, during this administration, necessarily expended to this date the sum of \$72,911.76, leaving a balance of \$66,623.05, as appears from the following report received from the State Controller at the time of this writing:

"CONTROLLER'S DEPARTMENT, STATE OF CALIFORNIA,
"SACRAMENTO, 2d Jan., 1903.

"HON. HENRY T. GAGE, *Governor of California, Sacramento:*

"SIR: In answer to your inquiries:

"First—'Balance in fund appropriating money to prevent introduction of contagious diseases, approved March 23, 1893, when Governor Gage took office'	\$39,534 81
"Second—'The amount of the fund appropriated by the thirty-fourth Legislature for the prevention of the introduction and for the investigation and suppression of contagious and infectious diseases, approved February 19, 1901'	100,000 00
"Third—'The amount drawn against these funds to date'	72,911 76
"Fourth—'The amount of money for which vouchers have been filed'	72,911 76
"Fifth—'The balance remaining in the appropriations at this date'	66,623 05

"Yours respectfully,

"E. P. COLGAN, Controller."

The careful and efficient work done by the State Board of Health in the sanitation of Chinatown, as well as in dispelling the reports of plague, convince me of the great importance of permanently providing for a like emergency disease fund to be at the disposal of the State Board of Health, subject to the conditions in the aforesaid Act of February 19, 1901 (Stats. 1901, page 10).

The Governor of this State, in conformity with the said Act of the Legislature, should always have an emergency fund of from \$100,000 to \$150,000 in readiness to deal properly with sudden and dangerous disease epidemics of all kinds which might hereafter be brought from other States and foreign countries.

CHINATOWN A MENACE—NECESSITY OF STATE ACTION.

Notwithstanding that the reports of plague in the Chinese quarter of San Francisco have been unfounded, this part of the city will always be somewhat of a menace until better sanitation is there enforced. Its uncleanly state, and the mode of life and habits of many of the Chinese residents, seem to me to need legislative inquiry and appropriate legislation whereby unwholesome conditions may be abated and the various underground places, as far as possible, abolished; and perhaps it might be well, furthermore, to give careful consideration to the advisability of future measures looking to a change in the location of Chinatown.

CIVIL WAR CLAIMS.

On January 4, 1899, in my inaugural address, I called attention to the unsettled claims of the State against the General Government, for the furnishing, equipping, and paying of volunteers during the Civil War, amounting to over \$4,000,000, and I recommended that our Senators and Representatives be requested to urge the passage of a law refunding to the State the money so advanced.

Since this recommendation in my inaugural address, I am pleased to note that the State Controller has referred to this important matter especially, in his report dated December 1, 1902, where he states that under the Act of Congress, approved February 14, 1902, he hopes that something may be accomplished, and further says that he has been in correspondence with the Auditor of the War Department and expresses confidence that, with the assistance of our Representatives in Congress, success may be expected.

I have little doubt, if the matter be actively attended to by our Senators and Representatives, that Congress will acquiesce, by proper measures, in this just return of the money advanced and expended by the State in defense of the Nation.

One of the serious obstacles to the allowance of this claim, hitherto existing, has been the delegation of these claims to special agents and lobbyists for collection, with a

promise of a percentage upon the recovery of these claims. That a great State, having honored and able representatives in Congress, should deputize collection agents, upon promise of commissions, to urge a just and equitable claim against the General Government, is a reflection upon the character of the demand itself, as well as upon the policy of the State.

It was owing to this circumstance, mainly, that a measure, introduced in Congress in 1898, failed to receive approval. Actuated by this conviction, on March 17, 1899, I vetoed Assembly Bill No. 651, having this object in view, entitled: "An Act to authorize the Governor to appoint agents to collect from the United States the money advanced by the State of California for the benefit of the United States in aiding the State volunteers mustered into the service of the United States during the Rebellion, and allowing them compensation therefor, if successful."

In that veto message (Assembly Journal, 1899, page 1661), I said, among other things: "If these claims of our State be founded in equity, and I am convinced that they are, the Federal Government will recognize their validity, and will pay them upon proper efforts in Congress by our Senators and Representative, whose duty it is to secure for the State its legal and equitable demands. If the money belongs to the State, it should collect it through the proper official channels, without employing brokers or appointing partners to share in the collections. The honor of our State ought not to be impugned through the acts of delegated lobbyists, while prosecuting its claims against the National Government."

CLAIMS AGAINST THE UNITED STATES GOVERNMENT ARISING OUT OF THE SPANISH-AMERICAN WAR—PAYMENT OF VOLUNTEERS.

Early in the year 1900, the late Adjutant-General, W. H. Seamans, under my instructions, assiduously began the difficult task of bringing to a settlement the unpaid claims against the United States Government which arose out of the Spanish-American War, and which were pending under my predecessor's administration.

The payment of an unsettled balance, which had been presented through Governor Budd, was suspended on account of specific objections urged by the U. S. War Department, and this claim required a new specification of items and statement of differences, and a renewal of the demand, which accounts are still undetermined and awaiting the action of the War Department.

These accounts are for transportation, subsistence, pay of naval militia, and incidental expenses, aggregating \$18,177.98, which are particularly set forth in the last report of Adjutant-General Stone.

In addition to these undecided claims there were collected and prepared, after much care and labor, accounts due many of the California U. S. Volunteers to the Spanish-American War for duty from the time of their enrollment and assembling to the date of their actual muster in the United States service.

The State has not paid nor provided for the payment of these services, but under an Act of Congress, approved July 8, 1898, and as amended March 3, 1899, the United States Government made provision for their payment. By Section 6 of the amendatory Act, it was provided that all claims for such services should be presented in itemized form to the Treasury Department on or before January 1, 1902, or be forever barred.

In view of the fact that comparatively few of the officers and soldiers of the U. S. Volunteers were aware of the provisions of these Acts of Congress, Lieutenant-Colonel Peeler, of the National Guard of California, was detailed on special duty to collect receipts and vouchers from such of the volunteers whom it was possible to reach. Claims and vouchers were finally secured aggregating the sum of \$58,244.86, but it was impossible by reason of the death, absence from the State, and general dispersion of the volunteers to present complete claims of all the volunteers entitled to pay.

These collected claims were itemized as required by the Acts of Congress and according to the rules of the War Department, and were presented in person in November, 1901, to the department at Washington, by Adjutant-General Seamans. I am much grieved to state that the previous ill health of Adjutant-General Seamans, added to the rigors of an Eastern winter, resulted in his death on January 3, 1902, a few days before these claims were finally settled, whereby the State of California lost an excellent public officer, a gallant soldier, and an honorable citizen.

On January 7, 1902, the Auditor of the U. S. War Department, by settlement No. 17,333, issued a check to my order in the sum of \$58,151.26 in payment of the claims of the volunteers, which, allowing for excusable errors, was, in substance, a full settlement of the claims as presented by Adjutant-General Seamans.

There being no mode provided by law for the custody and deposit of this large sum, it being held as a trust fund for the numerous volunteers whose vouchers had been presented, and, being satisfied that the payments would necessarily extend over a long period of time by reason of the death and dispersion of the various claimants, and of many assignments, I deemed it advisable to place the sum in the care of the State Treasury as a special deposit and cause payments to be made therefrom by checks signed by the Governor, and countersigned by the Adjutant-General, drawn against this special deposit.

It transpired, in fact, as I anticipated, that many of the original claimants had assigned their claims, some had left the State, others were in the army in the Philippines, and a few had died, their heirs presenting the claims of the deceased. Duplicate registers of the accounts and of their payments are kept in the offices of the Governor and Adjutant-General. The present condition of this fund appears in the following reports made to me by the State Treasurer and Adjutant-General, to wit:

"TREASURY DEPARTMENT, STATE OF CALIFORNIA,
"SACRAMENTO, CAL., December 31, 1902.

"HON. HENRY T. GAGE, *Governor of California*:

"DEAR SIR: As 'custodian' of the Special (war with Spain) Fund, I beg to submit the following report of transactions in said fund, ending with the close of business on above date:

Number of Governor's warrants paid.....	2,459
Amount received from Governor for disbursement.....	\$58,151 26
Aggregate amount of warrants paid.....	53,425 26
Balance on hand, subject to draft.....	\$4,726 00

"Respectfully submitted.

"TRUMAN REEVES, State Treasurer,
"By D. A. Moulton, Deputy."

[Official seal.]

"STATE OF CALIFORNIA, ADJUTANT-GENERAL'S OFFICE,
"SACRAMENTO, January 1, 1903.

C. I.

"HIS EXCELLENCY HENRY T. GAGE, *Governor of the State of California, Sacramento, Cal.*:

"SIR: I have the honor to report to you as follows concerning the disbursement of the fund for the pay of California U. S. Volunteers, Spanish-American War of 1898, from the date of their enrollment to date of their muster into the United States service, or rejection, ending with the close of business, December 31, 1902:

Amount collected from U. S. Government and deposited by Governor Gage with the State Treasurer as 'Special Fund (war with Spain)'.....	\$58,151 26
Checks issued and paid.....	\$53,425 26
Balance in treasury, subject to check.....	4,726 00
	\$58,151 26
Checks issued.....	\$53,969 26
Checks outstanding, not presented.....	\$544 00
Checks paid.....	53,425 26
	\$53,969 26

"Very respectfully,

"GEO. STONE, Adjutant-General.

"N. S. BANGHAM, Assistant Adjutant-General."

In view of the want of statutory provision for the custody of this money so collected, I respectfully recommend that a law be passed providing that the State Treasurer be the custodian, holding the same on special deposit, and payable on the checks of the Governor and Adjutant-General as heretofore. I also join in Adjutant-General Stone's recommendation (among many other good suggestions of that very capable officer) in his last report, for the purpose of a law which should be made expressly retroactive, as follows:

"That an Act be passed by the Legislature authorizing the payment of money due deceased members of the California Volunteers from the date of enrollment to the date of muster in, or rejection by the medical examiner, to the heirs of such deceased persons, upon proper verification, without obtaining letters of administration."

UNPAID BALANCE OF STATE'S MONEY IN THE CALIFORNIA STATE BANK OF SACRAMENTO.

Since the year 1895, there has remained on deposit in the California State Bank of Sacramento the sum of \$1,267.99, being an unpaid balance of the appropriation authorized by an Act of the Legislature entitled "An Act to appropriate money to pay the National Guard of California for services rendered by order of the Governor, to enforce the law, in eighteen hundred and ninety-three and eighteen hundred and ninety-four," approved February 25, 1895.

This money has been for this long time deposited in bank unused and has not been drawing interest. While the bank has been at all times anxious and willing to pay said sum to the proper officer, yet there seems to be no one legally authorized to collect the money. I recommend that an Act be passed designating some public officer or officers to collect the money and providing for its proper disposition when so collected.

UNPAID JUDGMENTS AGAINST THE STATE.

The following are the unpaid judgments against the State, according to a statement received by me from the Attorney-General:

Unpaid Judgments against the State of California, December 30, 1902.

Name of Plaintiff.	Court.	Court No.	Date of Judgment.	Nature of Action.	Am't of Judgment.
John O. Reis.....	Sacramento	6,870	Dec. 23, 1896	Indian War bonds...	\$33,552 12
A. S. Baldwin.....	Sacramento	6,866	Dec. 23, 1896	Indian War bonds...	7,428 91
W. H. Mead.....	Sacramento	6,868	Dec. 23, 1896	Indian War bonds...	636 64
Samuel Davis.....	Sacramento	6,869	Oct. 16, 1901	Indian War bonds...	38,404 54
Samuel Davis.....	Sacramento	6,871	June 15, 1896	Indian War bonds...	35,260 00
R. Y. Hayne.....	San Mateo	2,348	Oct. 2, 1902	Legal services.....	5,000 00
R. Shaw.....	San Benito	1,196	Nov. 30, 1901	Coyote scalp claims.	3,730 00
Benj. Lauer.....	Modoc	1,311	Feb. 13, 1902	Coyote scalp claims.	6,770 00
Benj. Lauer.....	Modoc	1,314	Feb. 13, 1902	Coyote scalp claims.	55 00
John Raggio.....	Calaveras	.....	Dec. 4, 1902	Coyote scalp claims.	1,125 00
James T. Laird.....	Modoc	1,328	Feb. 13, 1902	Coyote scalp claims.	2,400 00
Bank of Commerce.....	San Diego	11,828	Apr. 24, 1902	Coyote scalp claims.	1,320 00
Julia H. Jones.....	San Francisco.	79,940	Apr. 8, 1902	Coyote scalp claims.	600 00
Robert R. Potter.....	Tuolumne	.....	Oct. 10, 1902	Coyote scalp claims.	1,315 00
Joseph Quirolo.....	Amador	1,827	Dec. 5, 1902	Coyote scalp claims.	370 00
Wm. Going.....	Amador	1,828	Dec. 5, 1902	Coyote scalp claims.	550 00
R. P. Marquez.....	Orange	2,279	Apr. 21, 1902	Coyote scalp claims.	140 00
Commercial Bank of Madera	Fresno	9,676	.....	Coyote scalp claims.	3,670 00
M. Zirkner.....	Merced	1,898	Nov. 25, 1902	Coyote scalp claims.	1,000 00
Geo. Conway.....	Merced	1,899	Nov. 25, 1902	Coyote scalp claims.	290 00
M. A. Forster.....	Orange	2,280	May 9, 1902	Coyote scalp claims.	550 00
Farmers' Exchange Bank of San Bernardino.....	San Bernardino	8,537	Apr. 25, 1902	Coyote scalp claims.	2,365 00
Oscar R. Brown.....	Mono	.....	Sept. 20, 1902	Coyote scalp claims.	1,035 00
Chas. Williams.....	Butte	4,021	Oct. 8, 1902	Coyote scalp claims.	500 00
National Bank of D. O. Mills	Sacramento	9,619	Dec. 6, 1902	Coyote scalp claims.	46,980 00
Geo. Hornage.....	San Joaquin	7,881	Sept. 20, 1902	Coyote scalp claims.	465 00
Hakes Investment Co.....	San Diego	11,873	Apr. 24, 1902	Coyote scalp claims.	5,880 00
M. D. Corey.....	San Diego	11,874	Apr. 24, 1902	Coyote scalp claims.	3,195 00
W. R. Guy.....	San Diego	11,875	Apr. 24, 1902	Coyote scalp claims.	8,655 00
J. R. Hanify.....	S. F. Justices'	91,512	Feb. 7, 1899	Damages—Breakage of State Wharf.....	260 71
Charles Bickerdike.....	Sacramento	9,608	Dec. 20, 1902	Coyote scalp claims.	59,680 00
C. A. Weaver.....	Sacramento	9,609	Dec. 20, 1902	Coyote scalp claims.	815 00
Chas. A. Palmer.....	Sacramento	9,610	Dec. 20, 1902	Coyote scalp claims.	460 00
Geo. Leonard.....	Sacramento	9,611	Dec. 20, 1902	Coyote scalp claims.	1,040 00
L. C. Waite.....	Sacramento	9,612	Dec. 20, 1902	Coyote scalp claims.	410 00
A. T. Lightner.....	Sacramento	9,613	Dec. 20, 1902	Coyote scalp claims.	4,810 00
John F. Pryor.....	Sacramento	9,614	Dec. 20, 1902	Coyote scalp claims.	3,350 00
E. Weisbaum.....	Sacramento	9,615	Dec. 20, 1902	Coyote scalp claims.	2,085 00
N. Weisbaum.....	Sacramento	9,616	Dec. 20, 1902	Coyote scalp claims.	590 00
W. B. Waldron.....	Sacramento	9,617	Dec. 20, 1902	Coyote scalp claims.	3,835 00
W. S. Hooper.....	Sacramento	9,526	Dec. 20, 1902	Coyote scalp claims.	4,450 00
N. Weisbaum.....	San Francisco.	80,125	Dec. 29, 1902	Coyote scalp claims.	640 00

LOSS TO STATE AGRICULTURAL SOCIETY BY CLOSING STATE FAIR.

The assassination of our great and beloved President, William McKinley, occurred during the progress of our State Fair, and at my suggestion, the Directors of the State Board of Agriculture caused the fair to be prematurely closed out of respect for the memory of our lamented President.

I am loth to make any recommendations concerning appropriations, in view of the fact that their reasonableness and expediency must be determined by my distinguished successor; but, in this case, I promised the Directors that I would recommend an appropriation in an amount sufficient to cover the actual loss sustained.

Upon inquiry as to the items of loss, I received from the Directors, through their Secretary, the following communication, and therefore, in accordance with my promise, I submit the matter for your determination:

"SACRAMENTO, CAL., November 17, 1902.

"HON. HENRY T. GAGE, Governor of California, Sacramento, Cal.:

"DEAR SIR: In response to your request for information with respect to the loss sustained by the State Agricultural Society by reason of closing the fair on Saturday, September 14th, 1901, caused by the death of President McKinley and out of respect to his memory, I am pleased to report as follows:

"The exact amount of the loss sustained can not be definitely stated, but it consists of admission fees which would have been received and rebates which the Society was forced to pay to persons who had purchased privileges. These items are, as nearly as they admit of definite statement, as follows:

Admissions to the Park, one day.....	\$2,325 00
Admissions to the Pavilion, one day.....	1,500 00
Rebates paid to purchasers of Park privileges.....	1,708 75
Rebates paid to purchasers of Pavilion privileges.....	42 00
Loss on sale of daily programmes and cost of printing same.....	150 00
One-twelfth music contract.....	163 00
One-twelfth gas and electric light contracts.....	100 00
One-twelfth Morse Police Patrol contract.....	70 00
One twelfth forage.....	75 00
	<hr/>
	\$6,133 75

"The amounts stated above as rebates are the actual amounts paid. The admission fees and sales of programmes are conservative estimates, based upon previous experience, and proportionate to the previous attendance during the fair of 1901.

"The above amount represents a clear loss to the Society, as all of our fixed charges had already been incurred, consisting of advertising, help, music, and other contracts, and they were in nowise reduced by the shortening of the fair. The closing of the gates on this day was a serious loss to the Society, and has occasioned us much financial embarrassment. We earnestly trust, through your favorable recommendation, that these losses will be reimbursed.

"Very respectfully,

"GEORGE W. JACKSON, Secretary."

STATE HOSPITALS FOR THE INSANE.

The several State Hospitals for the Insane are well managed by the respective boards, and the result is a most marked improvement in their condition since my assumption of duties.

Under the excellent superintendency of Dr. Crane, the State Hospital at Agnews has become a model asylum, and the former unhappy scandals and reports of horrors existing under previous administrations are no longer heard nor tolerated.

More than a year ago Dr. Crane expressed a wish to resign from his arduous duties on account of impaired health, but he was persuaded to continue in charge of the Hospital until early in December when, I deeply regret to say, his ill health compelled him to tender his final resignation, which is a great loss to the inmates of the hospital, whose best interests he had at heart and who received his most tender care and attention.

I am much pleased to state that my plan suggested to the several Trustees, and by them executed, of employing women physicians to attend the female patients, has been productive of much benefit, and has relieved these institutions from the odium existing under some other administrations.

Respecting this matter, I beg leave to direct your attention to what was said in my first biennial message, namely:

"*Female Physicians Appointed.*—At the inception of my administration I perceived the necessity of employing female physicians in the State Hospitals for the Insane, on account of the large number of female patients. I laid the matter before the Lunacy Commission, and am pleased to say that the plan met with the hearty approval of the members of the commission, and two female physicians were appointed, after due examination as to their qualifications—one being assigned to Napa, and the other to Stockton, and duty required them to visit the other State asylums.

"The appointment of these female physicians was only made possible by the reduction by the Lunacy Commission in the salaries of the officers and employés of the asylums, by reason of the amendment to the law passed pursuant to the proclamation at the extraordinary session in 1900."

THE STATE PRISONS.

From reports received this day from the wardens of the State prisons at Folsom and San Quentin, it appears that there are incarcerated in San Quentin 1,490 male prisoners and 23 female prisoners, and in Folsom 784 male prisoners.

The management of these prisons is fully described in the last biennial report of the State Board of Prison Directors, dated November, 1902, where the board, considering the reports of the wardens and clerks of San Quentin and Folsom prisons, among other pertinent matters, say:

"These reports show in detail the financial condition and operation of the prisons and contain other statistical information, which obviates the necessity of our going into the same matters or making a more extended report to you at this time. As will be observed from a perusal of the reports, both prisons are in excellent financial condition and the best of discipline among the prisoners is preserved. Two years ago the reports of the officers at San Quentin prison showed that a large sum of money had been saved during the two previous years from the sale of grain bags, and their report this year shows the same thing to have continued, and, we believe, as expressed to you in our re-

port at that time, that the manufacture of grain bags at the prison at San Quentin has been a vast benefit to the farmers of this State, not only in preserving the price of all grain bags at the lowest possible figure, but also in preventing combination among the dealers. It is our pleasure to report again that the opium traffic at San Quentin is still under control and has in fact been practically completely destroyed, and during the two years last past there has been no opium found in San Quentin prison. * * * The officers of both prisons have been faithful in their attention to duties and we are pleased to report that most perfect discipline prevails in both prisons."

THE STATE REFORM SCHOOLS.

Upon the assumption of my duties of office and for several months afterward, the condition of the Preston School of Industry was very unsatisfactory.

Notwithstanding the efforts of the Board of Trustees, the inmates were undisciplined and the school was fast becoming demoralized.

Reluctant to make sudden changes where I believed that the officers were apparently capable and their efforts well directed, still, after a personal visit and inspection, I was convinced that the condition of the school could be materially improved by a change in the superintendency, if a proper person could be found. After considering many names submitted for selection, I recommended Rev. C. B. Riddick of Alameda County to the trustees, who, accepting my suggestion, appointed him Superintendent.

I have had much reason to be gratified at the selection of this gentleman, whose integrity, capacity, and industry, always above reproach, have resulted in a complete moral and intellectual reformation of the school. The last report of the Preston School of Industry gives a detailed account of its management and present condition which as well reflects credit upon the Trustees as upon the Superintendent.

I am pleased, also, to say, that the Whittier State School is much improved, and that the disagreements which existed under the previous management and obstructed, in some degree, its advancement, have been altogether removed, and, under its present officers, careful attention is given to the education of its inmates, and a strict moral discipline maintained.

INSTITUTION FOR THE EDUCATION OF THE DEAF AND THE BLIND.

The Directors of the California Institution for the Education of the Deaf and Blind, and the Superintendent, appear to have zealously performed their duties.

On account of some unknown cause of infection, a serious epidemic of smallpox broke out in May, 1901, endangering, for a time, the lives of the inmates. Through the perfect disinfecting and cleansing measures employed by the State Board of Health by my order, and the skill and care of the physician in charge, the disease was within a comparatively short time effectually suppressed without a single death.

INDUSTRIAL HOME OF MECHANICAL TRADES FOR THE ADULT BLIND.

The good management of the Industrial Home for the Adult Blind under the present Board of Directors has resulted in making the Home one of the model public institutions, and, I take pleasure in quoting from the seventeenth annual report of the Directors the following excerpt to show what has been accomplished:

"When the present board and Superintendent Sanders took charge of the institution, June 1, 1899, its shops had long been closed and its inmates idle. As they rely upon their wages for clothing and comforts, their condition had become forlorn to a pitiful degree. The management preceding us had left a deficit of nearly \$9,000. The commerce of the Home had of course been diverted to other channels, and the task of recovering it by reopening the shops, putting the blind at work and finding a market for their product, was of extreme difficulty. But the experience and keen administrative ability of the blind superintendent, Mr. Joseph Sanders, proved equal to the emergency. The shops were reopened November 1, 1900. From that time to October 31, 1902, the inmates earned and were paid wages amounting to \$6,859.49. The receipts of the fiscal year ending June 30, 1902, were \$13,250.21, or \$1,104.18 per month. The commercial operations of the Home since that date show a steady increase in manufactures and sales. That there is room for the product of the blind inmates is evident when it is known that only ten per cent of the brooms used in California are the product of domestic white labor. In the trade the Home brooms rank as first class. The inmates are urged to keep up the standard of their product, and it is a pleasure to know that their skill is equal to the demand made upon it. * * * The officers and employees of the institution have been attentive and faithful to their duties during the year that has just passed; and are as good a corps of employees as are to be found in any institution in the State."

THE STATE BOARD OF FISH COMMISSIONERS.

I have received the following important communication from the State Board of Fish Commissioners, which, considering the excellent and economic management of the Board, deserves your careful consideration:

"SAN FRANCISCO, CAL., September 29, 1902.

"HONORABLE HENRY T. GAGE, *Governor, State of California, Sacramento, Cal.*:

"SIR: Your State Board of Fish Commissioners have the honor to invite your attention to the following pertinent facts relating to the maintenance and improvement of the work under our jurisdiction, for reasons that are herein set forth.

"First—The amount of our appropriation is totally inadequate to meet the growing demands of a valuable industry and make necessary hatchery repairs.

"Second—To maintain the standard of the two principal hatchery stations for the propagation of salmon and trout, located respectively at Sisson and Tahoe City, we require additional funds to make such repairs and improvements, as will insure permanency to the fine results already accomplished, besides placing the buildings and grounds in a condition commensurate with the dignity of a great State.

"Third—The scope of our work has so broadened that we are unable under our present appropriation for support and maintenance of hatcheries, to place them in the condition that their importance to the general good demands.

"Fourth—The amount of money necessary to accomplish these ends would make but a very slight draft upon the general funds of the State, while the output of these stations could be increased fully fifty per cent.

"After making a careful study of all the conditions and questions involved, it is the judgment of this Board that a special appropriation of \$10,000, to be devoted to hatchery changes and improvements, such as duplicate flume system, additional ponds, a dwelling house for the superintendent of Sisson station, and the purchase of additional land on which it can be located, and the proper fencing of the State's property at Tahoe, would be a sum sufficient to meet these necessary requirements.

"The Sisson station is the most important. We have there a larger number of stock fish than ever before in the history of this commission. The success of a station depends upon the guaranteed supply of pure water. That we already have in abundance, and sufficient to double our present output, but we have not the means to construct the necessary flumes and ponds. We have but a single flume, and that poorly protected. Any interruption to the flow of water or temporary breakdown, would result in the loss of millions of fish that have cost the State a large sum to advance to their present state of perfection. Therefore, a flume system in duplicate is imperative. It would be an additional safeguard and good business judgment to locate a modest dwelling for the superintendent on the grounds, following the custom of the U. S. Commission and many States of the Union. Our pond system should be increased, so we could cut out and abandon some of the expensive spawn-taking stations operated in remote sections. We would secure a higher percentage of strong fry, because dangerous and expensive transportation of eggs would be avoided. Our forces could be concentrated, and in every sense would the conditions be improved, and the main purpose for which this commission was created more nearly fulfilled.

"Our State already ranks high in the matter of fish propagation. We desire to maintain that standing. Our work furnishes a cheap food-supply to thousands. The poor people of our State are more largely benefited than any other class. In San Francisco our markets are selling food fish every day in the year at retail twenty-five per cent cheaper than they are selling in the New York markets at wholesale.

"In the face of increased demand, our salmon supply is steadily increasing, since artificial propagation began. At the beginning of the present 'close season,' September 10th, there was the largest run of salmon in the Sacramento and San Joaquin rivers known in ten years.

"This commission planted 400 striped bass (fingerlings) near Benicia, in the Straits of Carquinez, some eighteen years ago. We are now marketing of this delicious food fish about two million pounds per annum in San Francisco. We have brought about the same conditions in the planting of shad.

"We are planting millions of trout fry annually, which afford not only food, but healthful sport for thousands of our people. We are devoting more attention to the propagation of Eastern Brook trout (*Fontinalis*), a most desirable food and game fish, one that will flourish in the smaller streams, especially in the meadows of our high plateaus, where no other trout will remain. We are maintaining and increasing the supply of Rainbow trout in the headwaters of the Sacramento, in the McCloud, and in the Truckee rivers, three of the most famous trout streams in the world, that bring to their attractive banks anglers from all parts of the Union.

"The planting of black bass has not received the attention it deserves, because of lack of funds. This valuable fish should be more widely distributed through the barren lakes and reservoirs of the State at the lower elevations, where trout will not flourish, so that a desirable and convenient food supply would be placed within the reach of many more of our people.

"As this commission has never appeared before the Legislature with a deficiency in any of the funds over which it has control, and has carefully and scrupulously guarded every cent of expenditure, and because we desire to continue this record, and at the same time increase the scope of our work for the benefit of all our people throughout

the State, as well as to maintain the high personnel of the employés of this Board, we most respectfully ask your assistance toward bringing about these desired ends, by presenting this matter to the Legislature of the State.

"We have the honor to remain,

"Yours respectfully,

"CALIFORNIA FISH COMMISSION.

"H. W. KELLER,

"W. W. VAN ARSDALE,

"W. E. GERBER.

"CHAS. A. VOGELSANG, Chief Deputy."

SAN FRANCISCO HARBOR IMPROVEMENTS.

The cramped condition of the San Francisco harbor for the accommodation of the increased shipping, which existed at the beginning of my administration, has been, fortunately, removed through the passage of the laws at the extra session of 1900, which permitted the extension of State piers and wharves to a distance of about eight hundred feet, and gave discretion to the Harbor Commissioners to execute leases whereby the rents from such contracts may be applied, in whole or in part, for the construction of new wharves and bulkheads or breakwaters, or the work to be paid for, in whole or in part, from the rents and revenues. Leave having been granted in December, 1900, by the Honorable the Secretary of War to extend the pierhead line to the increased limit provided for in the amendments passed in 1900, many new and substantial wharves have been constructed, thereby affording ample room to meet the increasing shipping. It was deemed necessary, in July of last year, for the State Harbor Commissioners to change the pierhead line north of China Basin and Mission Rock, and after submission to the Federal officers, the Honorable the Secretary of War, on October 10, 1902, notified me of the approval of the change in the communication following:

"WAR DEPARTMENT,

"WASHINGTON, October 10, 1902.

"SIR: Referring to your letter of July 24th last, in the matter of modification of the established harbor line in San Francisco Harbor at points north and south of China Basin and Mission Rock, I beg to advise you that the subject has been under consideration by the San Francisco Harbor-line Board, which has held a public hearing and afforded parties interested an opportunity to present their views.

"The report of the board, dated September 29th ultimo, shows that so much of the application as related to the proposed change south of the basin and rock had been withdrawn by the applicants, and the board has recommended that the pierhead line north of China Basin and Mission Rock be changed as follows:

"Beginning at the intersection of the pierhead line, approved March 24, 1890, with a line drawn at right angles to the bulkhead line (approved on the same date) and from a point on said bulkhead line 100 feet northerly (measured along the bulkhead line) from its intersection with the northerly side of Channel street produced; thence easterly, along a continuation of the said line drawn at right angles to the bulkhead line, to a point 800 feet distant from the bulkhead line; thence northerly, at right angles to the line just described, to a point on the pierhead line approved March 24, 1890, distant 20 feet northerly (perpendicular distance) from a line parallel with the northerly line of Bryant street and 980 feet easterly from the westerly line of Spear street."

"The recommendation of the Board has been approved by the Chief of Engineers and the Department.

"Very respectfully,

"ELIHU ROOT, Secretary of War.

"HON. HENRY T. GAGE, Governor of California, San Francisco, California."

The various and profitable improvements following from the amendments of 1900 are described particularly in the last two reports of the State Harbor Commissioners, and are worthy of commendation.

CALIFORNIA REDWOOD PARK.

I have received the following communication from the California Redwood Park Commission, which I submit for your careful consideration:

"The commissioners appointed under the provisions of an Act entitled 'An Act providing for the creation and management of a California Redwood Park, making an appropriation therefor, and creating a board of five commissioners, with power to make purchases and to manage said California Redwood Park,' report that under the provisions of the Act they have acquired thirty-eight hundred acres of land, containing the species of tree known as *Sequoia sempervirens* in the Big Basin, Santa Cruz County, as provided in Section 1 of the Act above alluded to.

"The bill provided that the sum of \$250,000 should be appropriated out of any money in the State Treasury not otherwise appropriated, which sum should be subject to the control of the commission and to be used solely for the purchase of lands suitable for a park; that of the entire sum of \$250,000 but \$50,000 should be available only on the first day of January, 1902, and the sum of \$50,000 to become available thereafter on the first day of January in each year to 1906.

"In making the purchase, the commissioners report that the owners of the property accepted the certificate of the commission that the purchase had been made, and that the purchasers were entitled to the sum already available, and would be entitled to the sums to become available on the first days of January in the years mentioned in Section 2 of the Act; that the title of the property was approved by the Attorney-General, as provided by law, and that deed to the land was placed in escrow in the Anglo-American Bank, San Francisco, and a fully certified record of the entire transaction filed with the Secretary of State.

"The object of the creation and acquirement of a park containing trees of the species known as *Sequoia sempervirens* was clearly declared in the Act creating the commission to make provision for said purchase. It was made incumbent upon the commission to select land from a tract of land commonly known as the Big Basin, situated in Santa Cruz County, State of California, on which are growing trees of the species known as *Sequoia sempervirens*, and which, in the judgment of said commission, is suitable for a park, the purpose being to preserve a body of these trees from destruction and maintain them for the honor of the State of California and for the benefit of succeeding generations.

"In making the selection and in consummating the purchase which followed such selection, care has been taken to acquire a compact, solid body of land which, in the judgment of the commission, is most suitable for a park and for the fulfilment of the purpose of the law.

"The forest thus acquired is in many respects the most distinctively forested body of land to be found in the State of California. It is in fact the only forest region designated by the Act itself suitable for the purposes to which it will hereafter be devoted.

"In the delineation and acquirement of this body of forested land, the commission has kept steadily in view the legislative intentment, and in the accomplishment of results we believe it has discharged its duty strictly in accordance with the wishes of the people of the State of California, as expressed through its legislative and executive departments.

"The redwood forests of California may very justly be classed among the botanical wonders of the world. They constitute one of the leading attractions to tourists, and the possession and preservation of this park will undoubtedly augment the volume of annual tourist travel to this State. In this way the park becomes a valuable adjunct in the way of advertising the natural resources of the State, thus more widely disseminating a knowledge of its natural advantages and its desirability as a place of residence. The possession and proper maintenance of this park will, therefore, become a contributor to the reinforcement of the capital and population of the State.

"It is a matter worthy of comment that this typical forest is found located within a direct distance of fifty miles from San Francisco, the chief metropolis of the State, and when lines of communication are completed, which its existence as a public recreation ground will call into being, it is within practically three hours railroad time of San Francisco. In the early future it will be practicable to visit it, and enjoy its beauties, by the expenditure of only one day's time. This attribute of accessibility will augment its importance as an element of interest to those who visit it for pleasure and for scientific research. Your commissioners will immediately address themselves to the task of securing an extension of transportation lines into the Big Basin and into the margins of the park. In this way only can the benefits of the purchase be secured to the State at an early day.

"Having, in pursuance of a deliberative act of the Legislature, acquired this magnificent property, its wise administration will become at once a question of legislative policy. Your commission is in possession of facts which will justify the opinion that it will be made easily accessible at a very early day. Supplementing this general accessibility, it will become necessary to construct roads and trails through the park, and for this purpose a legislative appropriation will be necessary.

"The duty of the preservation of this park attends its ownership by the State, and this will involve an expenditure of money for the preservation of this forest, now the property of the State, and in order that such roads and trails as will make it accessible to the public as a public recreation ground may be constructed, this commission respectfully requests at your hands a recommendation to the Legislature for an appropriation in the sum of \$15,000, to be expended in the preservation and improvement of the park for the next two years, to become available in the sum of \$7,500 on the first day of July, 1903, and in a like sum of \$7,500 on the first day of July, 1904."

THE UNIVERSITY OF CALIFORNIA.

The people of the State are justly proud of the University of California, which is the crown of the common school system, and they do not grudge reasonable taxation for its betterment.

I am glad to report that, under the present Board of Regents, and especially under the excellent management of President Benjamin Ide Wheeler, the university has made more rapid progress than ever before in its history.

In proportion to its growth, and the increased number of special departments of study, the financial requirements of the university have, necessarily, augmented. To meet these immediate demands I deemed it proper to suggest, at the last session of the Legislature, in lieu of other proposed measures, that a continuous appropriation bien-

nially of \$200,000 should be provided to assist in the maintenance of the university and be carried in the General Appropriation Bill. Accordingly, the Legislature passed the measure entitled "An Act to provide a continuous appropriation for the support and maintenance of the University of California, to be an item of the General Appropriation Bill," which I duly approved on March 15, 1901.

Inasmuch as the appropriation, under the provisions of this Act, was not to commence until the fifty-fifth fiscal year I therefore approved a separate appropriation for the sum of \$200,000, payable in three separate installments during the years 1901 and 1902.

Under this allowance, together with the two per cent ad valorem tax allowed for its maintenance, it is perhaps possible that the needs of the university will be fully met, and that the sad spectacle observed under previous administrations of officers of the university lobbying to secure the passage of needed appropriations will not again be witnessed.

If the present allowances be found inadequate to meet the future necessities of the university, I am confident that my able successor in office, being both an alumnus and a regent, and, therefore, acquainted with its various details, will probably devise some proper and feasible means which will afford it sufficient support without unnecessary burdens upon the people.

CALIFORNIA POLYTECHNIC SCHOOL.

At the last session of the Legislature an Act was passed, approved March 8, 1901, for the establishment, in San Luis Obispo, of the California Polytechnic School, specifying as the purposes: "To furnish to young people of both sexes mental and manual training in the arts and sciences, including agriculture, mechanics, engineering, business methods, domestic economy, and such other branches as will fit the students for the non-professional walks of life."

An appropriation of \$50,000 was provided for the purchase of a site in San Luis Obispo County, and for the construction and furnishing of necessary buildings and its maintenance.

By the terms of the Act, the government of the school is vested in a board of trustees, consisting of the Governor, the State Superintendent of Public Instruction, and five trustees appointed by the Governor, to hold for a term of years.

On January 31, 1902, I appointed as trustees, Messrs. S. C. Smith of Bakersfield, E. J. Wickson of Berkeley, Warren M. John and Wm. Graves of San Luis Obispo, and F. A. Hihn of Santa Cruz. On September 24, 1902, I appointed Mr. R. M. Shackelford of San Luis Obispo to fill the vacancy caused by the death of Mr. Graves. The board met, selected and purchased, as a site, a tract of land of 281.04 acres in San Luis Obispo County, just outside the city of San Luis Obispo, for the sum of \$7,709.30. Plans and specifications for the erection of buildings upon said land have been filed with the State Controller, wherein the estimated cost of the work is \$41,268.00, contracts have been let, and the construction of the buildings is now in progress.

BUREAU OF LABOR STATISTICS—A FREE LABOR BUREAU RECOMMENDED.

Upon my induction into office I considered, and still consider, that the office of Commissioner of the Bureau of Labor Statistics, established by the statute approved March 3, 1883, was intended to directly benefit the laboring classes of the State by supplying the State government with such proper information as should enable it to ascertain the condition of these classes and to provide legislative remedies for their amelioration.

Influenced by this consideration, I departed from the plan of my distinguished predecessors by selecting the appointee directly from the ranks of labor, and I rejoice to state that, from the present excellent management of the bureau, I have had no cause to regret my selection.

On page 7 of the ninth biennial report of the Bureau of Labor Statistics, the Commissioner said:

"In its original conception this bureau was created in the belief that it would in a degree be an exponent and protector of the rights and interests of the wage-earners; that it would be a department of the State government in close and intelligent sympathy with their affairs, to which they might turn for advice and information, and for such assistance as could be consistently rendered to them. This being the case, it would seem logically to follow that the administration of the bureau should be in the hands of such as come from wage-earners themselves, and who are conversant, by reason of personal experience and association, with those subjects with which the work of the bureau deals. Plain, however, as this proposition seems to be, it has remained for our present Governor, Henry T. Gage, to be the first in this State to take official cognizance of it; and while the excellence of his choice for the office of commissioner may well be a debatable matter, his sympathy with the originally conceived idea of the plan and scope of the bureau is shown by the fact that its entire staff, under his administration, have come to their respective places direct from among the wage-workers of the State."

While the office thus created has furnished valuable information to the State, yet in its practical effect, it has not been of immediate use to the laboring classes, principally because the powers of the commissioner being limited by the statute creating the office to the collection of statistical facts, there were no means by which aid could be afforded to the unemployed in cases of stagnation of labor arising from various industrial causes.

The history of industrial depressions in this State shows recurrent periods, when surplus labor resulted in idleness in certain lines of employment, while, at the same time, labor was greatly in demand in different lines.

There is, then, an actual need which has been emphasized by the demand of the State Federation of Labor, for making the office of Labor Commissioner of practical use and benefit to the wage-earners.

For this purpose I recommend that a free labor bureau be established as an adjunct to the Bureau of Labor Statistics, which should be under the direct supervision of the Labor Commissioner, and that a sufficient continuing appropriation be allowed for the compensation of necessary assistants and for the payment of contingent expenses.

In the preparation of such a law stringent provisions should be inserted respecting the performance of the duties of the commissioner and his assistants, and providing a remedy in cases of grievance, so as to make the bureau, among many other advantages, an impartial and effective agency for securing work for deserving employes.

ARBITRATION OF DIFFERENCES BETWEEN EMPLOYERS AND EMPLOYEES.

In this connection the serious industrial differences in this State, as well as the recent unfortunate condition of the coal miners of Pennsylvania, and the effective moral influence of President Roosevelt, resulting in the temporary adjustment of grave trouble between the employers and employes, it would be well to consider the passage of a proper and efficient legislative measure, or, if necessary, a constitutional amendment, framed for the amelioration of such difficulties. It is true that arbitration can not be made compulsory, but measures may be framed whereby the parties to a controversy may be induced to submit their differences to an impartial council or board, which, when so stipulated, may be made binding.

I am aware that a statute is now in effect entitled "An Act to provide for a State Board of Arbitration for the settlement of differences between employers and employes, to define the duties of said board, and to appropriate the sum of twenty-five hundred dollars therefor," approved March 10, 1891, but this statute has proved to be inadequate for the purposes intended, and excepting the expenditure of a portion of the small appropriation by the first and only appointees under the statute, it has been for years an unused law.

In the event of the enactment of a new measure, I recommend that the Governor and Labor Commissioner be made members of such council of arbitration.

The interdependent relations of employers and employes in our commercial and industrial structure are so intimate that the unjust impairment of the rights and privileges of either tends to social and industrial disorganization. As a progressive and liberal people, we ought to work harmoniously, and good faith and honesty are the essentials of co-operative harmony.

While State laws can not trench upon the contracts of individuals nor imperatively fix and adjust upon an equitable basis the rights of employers and employes, yet some fair measure may be passed which, with the assistance of a just and healthy public opinion, will invite and induce the disputants to submit their controversy to the calm decision of a tribunal of arbitration.

CONDITION OF PUBLIC INSTITUTIONS GENERALLY.

All other public institutions are in good condition and greatly improved since my installation in office.

While some complaints have been made and some friction has, at times, marred the harmony and efficiency of one or two public boards whose officers held for terms under my appointment, still while mild reasons existed for a change, which would have been exercised had I been vested with the power of removal, I can correctly state, that upon investigation it was shown that these conditions were exaggerated through the sensationalism of a few hostile newspapers.

Similar conditions existed, and perhaps even in a more intense degree, under my very able, painstaking, and honorable predecessor, Governor James H. Budd, whose administration generally was a great credit to the people of the State.

I am convinced that the following remarks of Governor Budd, in his second biennial message in regard thereto, are well applicable to my administration and those differences occurring thereunder, viz.:

"I leave State institutions in far better condition and under better laws than they were when I became Governor. It is impossible, however, that some of the seventeen State institutions shall not be disturbed occasionally by some outbreak or petty quarrel among officials. The correction of these is not possible until the Legislature grants more powers to the Governor. Now, when a trustee is appointed the Governor's power ceases entirely."

CONSTITUTIONAL AMENDMENTS AND MUNICIPAL CHARTERS.

I venture to call your attention to a matter which, by reason of its disintegrating tendency, seems to me to be portentous of future probable peril to the local sovereignty of the State.

Constitutional amendments, proposing large grants of power, especially to municipalities, have been so often loosely worded by their framers in the Legislature, that after

adoption by the people, when judicially construed, it becomes evident that excessive power has been ceded, thereby limiting the sovereign functions of the people.

I strongly favor the right of cities and towns to be free from legislative interference in those purely local concerns which are necessary for their maintenance as municipal bodies. I have a most sincere affection for city and town government.

I subscribe, heartily, to the following views of De Toqueville, in his work "Democracy in America," Chapter V, namely: "Municipal institutions are to liberty what primary schools are to science, they bring it within the people's reach, they teach men how to use and how to enjoy it. A nation may establish a system of free government, but without the spirit of municipal institutions it can not have the spirit of liberty."

But the municipal institutions which De Toqueville had in view and of which he wrote were different from the local sovereignties, like a few of the cities of this State, which, constructed through broad constitutional statutes, are demanding with their every pace new and larger grants of power.

Our State is sovereign in its local sphere because the people constituting it are sovereign, but it still owes a binding allegiance and is inseparably united to the Nation, because the whole people of the United States, as sovereigns, have an equal interest in its welfare, just as the people of California have an equal interest in the welfare of other States.

So, on the other hand, the people of the northern, central, and southern counties have an interest in the City and County of San Francisco in the cities of Los Angeles and Oakland, and other cities of the State, and the people of these cities and towns, in turn, have an interest in the welfare of those counties and their subdivisions.

In other words, every citizen of California is deeply interested in every part of the State's extensive area.

The pride and jealousy of locality, arising from residence and business interests, which exist among the people in every part of the State, if over-indulged and intensified, may cause them to overlook their wider and more patriotic interests in the development and progress of the State and Nation.

In order to harmonize these jealous and frequently conflicting local interests, and at the same time perpetuate our constitutional rights and privileges, it is necessary that such portion of the people's power, which properly constitutes the State's sovereignty, should remain perpetually intact. It should not be frittered away by inattentive constitutional concessions nor loose judicial construction.

Every law is either a grant of power or a limitation of right.

Professor Ordreux, in his excellent work on Constitutional Legislation, says: "Every law being in the nature either of a command or a prohibition, is a displacement of existing civil relations in which society as well as individuals have acquired rights, and its promulgation in such form must be duly estimated as well as its power to do good."

Laws of a broad and flexible character definitely limited to purely local needs and concerns are both proper and necessary for the growth and welfare of a municipality, but irrepealable, ambiguous constitutional charters are a lurking peril to the supreme interests of the State.

The members of the Constitutional Convention of 1878, although having the right idea of preserving municipalities from legislative interference with their local interests, did not design that the State should suffer by the provisions inserted in the Constitution providing for municipal organization.

Yet the gradual addition to the Constitution of incautious constitutional amendments relating to municipal charters has tended to abstract from the necessary power of the State.

Constitutional amendments are easily passed at each session of the Legislature, for, unlike laws, the Governor has neither the power of approval nor of disapproval.

When passed by resolution of the Senate and Assembly and submitted to the people, comparatively few voters really understand the character and purpose of these amendments, when appearing by title and number upon the ballot; hence, as a rule, the electors vote upon them in a very perfunctory manner.

Whether carried or lost, these constitutional amendments generally receive a smaller portion of the popular vote than the several State candidates of the two leading parties. In this apathy of the electors danger is concealed.

While moderate decentralization is essential to municipal liberty, immoderate decentralization leads to disintegration.

Our great and free Republic grew from the sovereignty ceded by the several American Colonies, and the strength of the colonies themselves rose from the cession of rights by the free cities and towns within them. The several elements necessary for statehood which had existed in the municipalities integrated in the State, and the several national elements which had been claimed and controlled by the colonies, were surrendered to and integrated in the Republic.

"One nation out of many" has been the proud boast of the freest people on the earth. The reverse policy is now rapidly proceeding.

The municipalities are constantly eroding the sovereignty which the State is losing. Once enfeeble the State by undue and unguarded cessions of its local sovereignty, and instead of sustaining its well-poised balance between the people of the State and the Federal Government it will become a mere political shadow, unable on the one hand to resist the centrifugal force of federalism, or, on the other, the centrifugal force of municipalism.

This policy is not in accord with the form of government which our patriotic forefathers founded, nor is history wanting in illustrations where such a policy has wrought ruin to free political institutions.

I regard this excessive growth of municipal power as a peaceful mode of secession from the State, and an unconscious blow against the State's integrity, and, indirectly, an unpatriotic assault upon national existence.

The disruption of the Achaian league, which for one hundred and forty years gave freedom and enlightenment to Greece, was achieved by the craft of Roman statesmen, who, perceiving the love of power and decentralizing tendencies of the cities which formed the federal league, greatly enlarged the power of the cities at the expense of the central sovereign power, until the league, reduced to a name, left the several cities unprotected, a separate prey to Roman tyranny.

In the light of such an example, disproportionate and careless cession of its sovereignty to municipalities is not consistent with the best interests of the State. Municipal leagues exist at the present time throughout the United States whose common object is the extension of municipal powers, and in consequence the limitation of State power. In view of this massing of opinion toward decentralization, it behooves patriotic legislators to be cautious and conservative in the drafting of constitutional amendments which have for their object the augmentation of municipal power, considering the special provisions of our State Constitution.

A law passed by the Legislature is easily repealed at an ensuing session when found to work injury, but a constitutional amendment hastily passed by the Legislature and inconsiderately adopted by the people, however injurious in its effects, is very difficult to abrogate.

As these amendments inflexibly affect fundamental rights, and as the Governor has no voice in their passage, it becomes your solemn duty to investigate more closely these proposed amendments than proposed laws, and to place them far above and beyond the power and influence of lobbies.

CONCLUSION.

My career in office has not been one of pleasurable ease, nor have I ever sought, at the expense of public duty, my own aggrandizement.

Mistakes may have been made sometimes, perhaps through want of that diplomatic tact which graces many in public life, and which too often deceives; but for such, and all mistakes, wherever made, I shall be answerable to the judgment of my fellow-citizens in the quiet and just criticism of private life.

Having, however, always kept before me as my guiding light what I conceived to be and cherished as the people's interests, upon this, the eve of retirement, I feel that, actuated by a sense of right and justice to all my fellow-citizens, I have striven with my best and for the best.

HENRY T. GAGE,
Governor of the State of California.

"APPENDIX A."

REPORT OF THE SPECIAL HEALTH COMMISSIONERS APPOINTED BY THE GOVERNOR TO CONFER WITH THE FEDERAL AUTHORITIES AT WASHINGTON RESPECTING THE ALLEGED EXISTENCE OF BUBONIC PLAGUE IN CALIFORNIA.

SAN FRANCISCO, CAL., September 16, 1901.

HON. HENRY T. GAGE, *Governor State of California*:

SIR: The commissioners appointed by you on the 1st day of March, 1901, to visit Washington in order to confer with the Federal authorities in relation to the alleged prevalence of bubonic plague in the Chinese quarter of San Francisco, and to the more or less positive declarations of intention to place the State of California under quarantine, and who were subsequently invited by you to assist in an advisory capacity in carrying out the agreement reached to cleanse Chinatown, have the honor to report as follows:

In the course of a conference held in your office on the 27th of February, 1901, participated in by the members of your commission, it was developed that a misunderstanding had arisen concerning the attitude of the Executive of the State of California toward the Federal health authorities. Misrepresentations had been made by irresponsible papers, which created the impression in Washington that there was a disposition on your part to obstruct the operations of the United States Marine Hospital Service, and these were being seized upon by peoples having rival interests and were employed as arguments to force the abandonment of San Francisco as a military headquarters, and as the chief base of the Philippine transportation service. Statements were made that the existence of bubonic plague would make the imposition of a quarantine necessary, and it was openly asserted that such action would be followed by the removal of the transport service and military headquarters from an alleged plague-infected city.

At the conference referred to, you laid before your commissioners all the correspondence which had passed between yourself and the Federal health authorities on the subject of the alleged existence of the plague in San Francisco. It plainly disclosed the fact that there was no ground for the assertion freely made that you were placing obstacles in the way of taking precautions; on the contrary, we found in it earnest professions of a desire to co-operate with the Federal health authorities in order to set at rest the alarming and injurious rumors which were being circulated regarding the prevalence of the disease. In a telegram of February 25, 1901, you said to the Hon. Lyman J. Gage, Secretary of the Treasury, in reply to a dispatch from him, regretting your inability to visit Washington and confer with the department regarding the matter:

"I therefore respectfully request the United States authorities to take charge of the matter within this State and deal with the situation from the standpoint of the report of its commissioners, but without charge or cost to this State, at the same time assuring you of my hearty co-operation."

We found that your attitude respecting the assumption of the cost of the preventive measures was prompted by information, conveyed in a semi-official manner, that there was a considerable sum of money at the disposal of the health authorities of the United States, to be used in emergencies such as that which confronted the State. But we noted that the Honorable Secretary of the Treasury assumed that "while all ordinary expenses incurred in the payment of its own officers may be met by the department under the law, and in accordance with usage, the chief burden should be borne by the City of San Francisco." "No municipality," he added, "has ever depended financially upon the Government, under like circumstances, though there have been numerous parallel cases during epidemics of yellow fever." In the course of the conference it was made clear to us, while the Legislature at its session in 1901 had fortunately made an appropriation for health purposes to be expended under your direction, that you did not have the legal right, even if the desire existed, to permit any portion of it to be expended except by State officials. It was also made apparent by telegrams received from Washington that our Senators, instead of assisting in clearing up the situation, were accentuating its gravity by accepting without challenge the allegations that bubonic plague prevailed in San Francisco, and by absolutely disregarding all the evidence which tended to show that the disease did not exist in San Francisco at the time and had not existed.

Accordingly, as the result of the conference of February 27, 1901, and in response to the professed desire of the Secretary of the Treasury, it was decided by you to send a commission to Washington to go over the matter with the authorities in that city and to avert, if possible, the threatened quarantine. The commission left this city on March 3d and arrived in Washington on the 7th. On the morning of the 8th the Secretary of the Treasury was waited upon and your position was fully presented by Mr. W. F. Herrin, who spoke for the commission. He made clear to the Honorable Secretary that, while you were convinced there was no ground for the assertion that there was or had been bubonic plague in San Francisco (an opinion shared by the members of the commission), you were desirous of co-operating with the Federal health authorities in making their investigations, and in taking such precautions as would serve to allay any apprehension that might have been created outside of California by the alarmist reports published in certain papers, and which had been telegraphed all over the world.

The spokesman of the commission also called the Honorable Secretary's attention to the fact that through misapprehension or design the special commissioners appointed by the Treasury Department for the purpose of ascertaining the existence or non-existence of bubonic plague in San Francisco, did not call upon you until after they had concluded their labors, although you had urged that "co-operation with the State authorities by such experts should be advised in order that the State may select eminent home bacteriologists and physicians, as well as, if deemed necessary, bacteriologists and physicians from other States and countries, to examine the same suspected cases, so as to arrive at a correct and impartial conclusion;" and had urged as a reason for making this appeal: "The irreparable injury heretofore done to this State (California) by unfair and *ex parte* examinations."

These and other representations made to the Honorable Secretary influenced him to accede to your very reasonable request that the State should be permitted to protect its interests, and your commission was referred to the Supervising Surgeon-General, Marine Hospital Service, to discuss with him the outlines of a plan of action. A satisfactory agreement was soon reached, the nature of which is disclosed by the following correspondence:

"TREASURY DEPARTMENT,
"OFFICE OF THE SUPERVISING SURGEON-GENERAL, MARINE HOSPITAL SERVICE,
"WASHINGTON, March 11, 1901.

"MR. JOHN P. YOUNG, Chairman Committee Representing the Governor, Mayor of San Francisco, and Business Interests of California, Washington, D. C.:

"SIR: I transmit herewith a letter, dated March 9th, from the Surgeon-General of the Marine Hospital Service, outlining the understanding which has been arrived at between yourselves and this department, as a result of the conference on March 9th.

"In transmitting the same, I wish to express the appreciation of this department of the visit of your committee and its spirit of friendly conference. I trust, also, that the results so earnestly desired by both yourselves and the department will be speedily achieved and by methods that may be effective without causing undue alarm.

"The department will appreciate an acknowledgment.

"Respectfully,

"(Signed:) O. L. SPAULDING, Acting Secretary.

"TREASURY DEPARTMENT,
"OFFICE OF THE SUPERVISING SURGEON-GENERAL, MARINE HOSPITAL SERVICE,
"WASHINGTON, March 9, 1901.

"*The Honorable the Secretary of the Treasury:*

"SIR: Referring to the conference, held in accordance with your instructions after the meeting in your office this forenoon, with the representatives of the Governor of California, the Mayor of San Francisco, the press, the railroads, and the business interests of San Francisco, I have to inform you that an understanding has been reached, stated somewhat informally as follows:

"The visiting representatives have expressed a desire for hearty co-operation of the State and city authorities interested in the work, which is made necessary in view of the report of the commission; and they desire, while this work shall be done by the city and State authorities, the services of some expert officer of the Service to give advice as to the methods to be pursued, agreeing that his recommendations shall be carried out, and that the work shall be begun at once.

"I have informed them also that so far as can be seen at the present time the principles enunciated in my telegram of January 9, 1901, to Surgeon White, copy of which is inclosed, are about what should be adopted at the present time, with the understanding that it is possible that future developments may require more radical measures, though it is not expected.

"It is understood also that the burden of expense falls upon local or State authorities, though, of course, the department will meet the salaries and incidental expenditures of its own officers.

"It is the desire of the Treasury Department, as well as of the bureau, that these affairs shall be conducted with the least possible interruption to commerce and the least possible excitation of alarm.

"Surgeon White, now in San Francisco, is the officer of the Service who will be the representative of the bureau and of the department in this matter, and who, it is understood, is entirely acceptable to all parties.

"Respectfully,

"(Signed:) WALTER WYMAN,
"Supervising Surgeon-General, M. H. S.

"One inclosure, copy of January 9, 1901, telegram to Surgeon White, San Francisco, Cal."

(Telegram.)

"WASHINGTON, D. C., January 9, 1901.

"DR. J. H. WHITE, *Occidental Hotel, San Francisco, Cal.:*

"Regarding plague in San Francisco, you might say situation not acute. Experience in Oporto, Santos, Glasgow, and climatic conditions in 'Frisco make it more a matter of future menace—as instanced in British Medical Journal of December 1st, page 1614. It was present in Calcutta two years before acknowledged. Therefore, more to prevent future catastrophe than from present alarm, measures should be taken as necessity arises, nor need they be (taken) in such manner as to excite alarm, but should include inspection, isolation, and disinfection, as in smallpox (in same manner).

"If assured of this, publication would be unnecessary. Use this as your judgment dictates.

"(Signed:) WYMAN."

It is proper to call attention to the telegram which forms a part of this correspondence, as it was freely charged in the press, and by medical journals, that your commission had induced the Federal health authorities to consent to the suppression of facts. It will be noted that the date of the telegram to Dr. J. H. White was January 9th, and that in it Surgeon-General Wyman advised him to take his measures in such a manner as not to excite alarm; and that publication would be unnecessary. This is all your commission asked, and it preferred the request in the full assurance that the only harm that could be done would be that caused by the dissemination of statements calculated to injure the reputation of California by fastening upon it the reputation of being subject to plague.

The arrangement thus reached by your commission was promptly reported to you, and at your request, on our return from Washington, we met in the office of Hon. James D. Phelan, Mayor of San Francisco, to consult with you and that official respecting the mode of carrying out the agreement. At this meeting you indicated the extent to which you thought the State should go in meeting the views of the Federal authorities. Mayor Phelan, however, was unable to make any specific promises on behalf of the city, but expressed a willingness to do all in his power to comply with the demands which would arise as the work of cleansing Chinatown proceeded. The conclusion was reached by those in consultation that the pledge made for you by your commission should be promptly redeemed, and Dr. J. H. White of the Marine Hospital Service, who was in waiting, was called in and asked to outline his plan of campaign. He said that he should require the cleansing, disinfection, and fumigation of the district known as Chinatown; that it would be necessary to provide and maintain a crematory to dispose of the rubbish; a laboratory for bacteriological purposes; a building available for use as a detention barracks; a hospital for any subjects that might be discovered, and a morgue and hall of tranquillity. As Dr. White's large experience in such matters qualified him

to speak understandingly, his opinion as to the probable cost of carrying out the cleansing, disinfection, and fumigation, which he said would be necessary, was asked. He answered that he had given the subject some attention, but could not make a close estimate. He thought, however, that the work would necessitate an expenditure of at least \$100,000.

It being impossible at this meeting for Mayor Phelan to definitely state what part of the expense of cleansing Chinatown, and for providing the facilities which Dr. White had demanded, could be assumed by the city of San Francisco, another consultation was arranged for the ensuing day, April 2d. At this conference the following agreement was entered into between yourself, on behalf of the State, and Mayor Phelan, on the part of the city:

"The State will clean up Chinatown in its own way and with its own money. Will fumigate and disinfect until \$25,000 of State money is spent.

"City will erect and maintain a crematory to dispose of rubbish found by the State.

"City will erect and maintain laboratory.

"City will provide and maintain detention barracks and hospital.

"City will provide morgue and hall of tranquillity, and maintain same."

Although this agreement imposed the greater part of the burden of cleansing, disinfecting, and fumigating the Chinese quarter of San Francisco upon the State, your commission, considering the exigency and the possible consequences of delay, heartily approved the arrangement entered into, and urged that the work be proceeded with at once, in order that the pressure which was undoubtedly being exerted to have the Federal authorities erect a quarantine against California should be relieved. At your request your commission consented to continue acting in its advisory capacity, and agreed with you that it was desirable to have an efficient corps of physicians, acting under the direction of the State Board of Health, to assist in the examination of every alleged case of bubonic plague brought to the attention of the Federal authorities while making their investigations in this city. The importance of this course of action was demonstrated by the results, which fully justified the position taken by you from the beginning, namely, that there was no ground for the charge that cases of genuine bubonic plague had been found in San Francisco.

Although your commission, at the conclusion of this meeting of April 2d, announced to Dr. J. H. White, the official designated by the Federal health authorities to direct and supervise the work of cleansing, disinfecting, and fumigating Chinatown, the readiness of the State to proceed, he postponed the commencement of operations until April 9th. On the morning of that day a force of forty-three men, subsequently largely increased, was put to work, and the instructions of Dr. White were rigidly adhered to, your commissioners taking pains to hear from him at frequent intervals, in order to learn if everything was proceeding according to his desires. The process adopted, as prescribed by Dr. White, and the progress of the work, are fully described in the accompanying report of the State Board of Health of August 27, 1901. In all 1,185 buildings, containing 16,888 rooms, and numerous hallways, stairways, sinks, yards, basements, sub-basements, water-closets and roofs were cleansed, disinfected and fumigated. Fifteen hundred and eleven loads of garbage, or 4,533 cubic yards, were removed by the State force. The carting and burning of this material were done at the expense of the city. The number of men employed daily on all the work ranged from 130 to 150. That the business was done expeditiously and economically will be inferred from the fact that it was accomplished for about one fourth the amount estimated by Dr. White. Those in charge are to be specially commended for the economies practiced in the purchase of supplies. We find from the reports rendered by the State Board of Health that by disregarding the recommendation of Dr. White to purchase sulphur, bichloride of mercury, dutch ovens, etc., in large quantities, a considerable saving was effected. Thus the work of disinfecting and fumigating was thoroughly performed with 300 pounds of sulphur, although the Marine Hospital Service estimated that thirty tons would be necessary. Fifty pans were bought, and twenty only used, but the requisition of the Federal official called for 200.

In addition to the work of cleansing, disinfecting, and fumigating, the State Board of Health undertook the important duty of assisting the Federal health officers in their search for suspicious cases. A doubt having arisen in the minds of Dr. White and his staff regarding the accuracy of the number of sick Chinese reported in the quarter, a corps of five physicians was employed by the State Board of Health to make a house-to-house canvass. These physicians made a daily report of the work performed by them and also a report of a Chinese whom they found sick, giving a history of each case and a diagnosis of the disease. Each block in the quarter was covered by the State's physicians eight times, and in all of the seventeen blocks only 307 sick cases were reported. A morgue was established by the Marine Hospital Service at 638 Merchant street, and any Chinese man, woman, or child dying in the City and County of San Francisco was, by the order of Dr. White and his associates, immediately removed thereto and treated as a case of bubonic plague until the autopsy proved the contrary. Under an order issued by the City Board of Health of San Francisco, no Chinese person dying in the City and County of San Francisco could be buried until a certificate of death was countersigned by either of the three physicians in charge of the morgue and laboratory conducted by the Federal officials. At all the autopsies the State was represented by one or more physicians, and no autopsy was held without a representative from the State Board being present. The State had as its bacteriologist Dr. S. M. Mouser, who conducted a very thorough and complete investigation in all cases that were considered in any way suspicious.

The wisdom of these precautions was soon made evident. Many cases were reported which were pronounced suspicious by the physicians employed by the Marine Hospital Service, but although between April 8th and August 27th 103 autopsies were performed, not one case was found which could be pronounced bubonic plague. The report of the State Board of Health which gives the clinical history of these cases and the circumstances attending the autopsies indicates that there was an eager desire on the part of those who contended that bubonic plague existed in this city to establish that fact. In one instance an attempt was made to quicklime a body in order to destroy the evidence which would conclusively prove that the deceased had died of pulmonary tuberculosis, which fact had been ascertained at the autopsy. Had not the State Board's physicians taken the attitude they did, the evidence is strong that it would have been pronounced a genuine case of plague. Many other circumstances are cited tending to show that there was a disposition manifested to keep up the impression that bubonic plague had prevailed in the city and that it was still present, but the watchfulness of the State Board's representatives prevented any misunderstanding on that point. And in view of the necessity of thorough watchfulness in this matter, your commission, at its last meeting with you, approved the continuance by you for at least six months of measures to secure complete information as to all suspected or alleged cases of plague, and generally to see that the health conditions of Chinatown were not in any way misrepresented. The monthly expenses of such measures were then estimated at about \$1,000 per month, and your commission entirely approves this and all other expenses incurred by the State authorities in this whole matter. It is significant in this connection that the latest case of bubonic plague alleged to have been discovered in this city was on April 8th, the day before the State Board commenced its active investigations. After that date no case was discovered, although many were asserted to be such until an autopsy disproved the assertion.

The commission heartily commends the attitude taken by you in your answer to the telegram from Walter Wyman, Surgeon-General, Marine Hospital Service, dated June 18, 1901, which seems to have closed the incident, and in which he says: "It is a matter of mutual congratulation that no cases have been found during the progress of this work" (that is, the cleansing of Chinatown and the investigation of the character of every case of sickness found within its limits), and suggests that certain supplementary work recommended by Dr. White should be carried out. Your declaration that "there is no occasion at this time for the further investigations suggested by Dr. White" is fully concurred in by us, and we trust that the determination expressed by you that "one-sided or secret examinations, such as have in the past been witnessed in San Francisco, to its irreparable detriment and to that of the whole State, * * * can not again be permitted," will be rigidly adhered to.

In conclusion, your commission desires to express the opinion that the result of the steps taken by you has been to wholly disprove the allegation that bubonic plague has existed in San Francisco. Had the same precautions been taken before April 8, 1901, that were adopted after that date we should not have been menaced with quarantine, nor would we have had imposed upon us the expenditure of a large sum of money, every dollar of which was extorted by the necessity of warding off the evil consequences of the false reports concerning the health of the city and State. There can be no reasonable doubt that the autopsies made prior to April 8, 1901, would have had the same result as those made after that date had there been present doctors who were not interested in creating the impression that San Francisco was plague-infected. The fact that no plague has been found since April 8, 1901, and the further fact that the disease, although it was alleged to have made its appearance on March 6, 1900, did not become epidemic, and that no two cases of what was termed bubonic plague appeared in the same house, should carry conviction to every candid mind that San Francisco is and has been absolutely free from the disease, and that those who said it existed were either mistaken or deliberately misrepresented the facts.

JOHN P. YOUNG,
WM. F. HERRIN,
T. T. WILLIAMS,
H. T. SCOTT,
Commissioners.

FREMONT OLDER,
Commissioner of the City of San Francisco and of the State.

In signing the above report I desire to express the opinion that in the earlier reports of the existence of plague, the Mayor and Board of Health and other officials of San Francisco were sincere in their belief that the reports of physicians that the plague was here were true. I am of the opinion, however, that later on the judgment of the Board of Health became corrupted by its dislike to confessing mistake and by its desire of proving that its erroneous conclusions were justifiable.

Certainly no blame should attach to officials for taking precautions against disease, which excellent authority declared existed. At the same time no excuse should be made for physicians and others who attempted to palm off as plague diseases of a non-contagious character.

T. T. WILLIAMS.

Conference Committee:
W. J. MARTIN,
HUGH HUME.

THE DISINFECTING, CLEANING, AND FUMIGATING OF CHINATOWN IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, BY THE STATE BOARD OF HEALTH.

HEADQUARTERS OF STATE BOARD OF HEALTH,
ROOM NO. 11, FERRY BUILDING,
SAN FRANCISCO, August 27, 1901. }

The work of disinfecting, fumigating, and cleaning of the district known as Chinatown in the City and County of San Francisco, was commenced April 8, 1901, by the State Board of Health, under the supervision of the Marine Hospital Service of the United States, Dr. J. H. White in charge. The district known as Chinatown and mapped out by Dr. White consisted of the following seventeen blocks:

- Block 132, bounded by Pacific and Jackson, Powell and Stockton streets;
- Block 133, bounded by Jackson and Washington, Powell and Stockton streets;
- Block 134, bounded by Washington and Clay, Powell and Stockton streets;
- Block 135, bounded by Clay and Sacramento, Powell and Stockton streets;
- Block 136, bounded by Sacramento and California, Powell and Stockton streets;
- Block 110, bounded by Broadway and Pacific, Stockton and Dupont streets;
- Block 111, bounded by Pacific and Jackson, Stockton and Dupont streets;
- Block 112, bounded by Jackson and Washington, Stockton and Dupont streets;
- Block 113, bounded by Washington and Clay, Stockton and Dupont streets;
- Block 114, bounded by Clay and Sacramento, Stockton and Dupont streets;
- Block 115, bounded by Sacramento and California, Stockton and Dupont streets;
- Block 89, bounded by New Montgomery avenue and Pacific, Dupont and Kearny streets;
- Block 90, bounded by Pacific and Jackson, Dupont and Kearny streets;
- Block 91, bounded by Jackson and Washington, Dupont and Kearny streets;
- Block 92, bounded by Washington and Clay, Dupont and Brenham place;
- Block 93, bounded by Clay and Sacramento, Dupont and Kearny streets;
- Block 94, bounded by Sacramento and California, Dupont and Kearny streets.

The blocks on the west side of Stockton street were not cleaned in their entirety; only portions of said blocks are occupied by Chinese, and in no instance was it necessary to invade the premises on the Powell street boundary.

On April 4th, the following communication was received at this office from Dr. J. H. White, viz.: "The work of disinfecting, fumigating, and cleaning the district known as Chinatown will commence at the southeast corner of Stockton and Pacific streets, and follow a southeasterly course, on account of the prevailing winds."

The State Board of Health was prepared to begin work on April 5th, when Dr. White made a request for postponement until April 8th. At nine o'clock on the morning of April 8, 1901, we commenced work with a force of forty-three men on block 111, beginning on the corner of Stockton and Pacific streets, as per instructions of Dr. White. Under the instructions of the Marine Hospital people we requested the Chinese to clean their premises preparatory to having them fumigated by means of the following process: "All rooms to be fumigated with five per cent sulphur dioxide for forty hours, with all contents in place. This to be followed by all textiles to be subjected to a steam disinfection for twenty minutes in a temperature of 215° Fahr. All goods that could not be disinfected by steam to be soaked in bichloride of mercury solution, 1 to 1,000, or in five per cent carbolic acid solution. All other things that do not come under these clauses and incapable of disinfection, such as foodstuffs, were to be carried to the crematory and burned."

These orders were countermanded and the following plan was substituted, viz.: The floors and walls waist high in the rooms in the various premises to be washed and scrubbed with a saturated lye solution 1 pound to a 4 gallon bucket of water, and the remaining portion of the walls and ceiling to be sprayed with a 1 to 800 solution of bichloride of mercury. We were obliged to pursue this plan in all storerooms until such time that it was found to be of such character of work that it would be impossible to complete the large storerooms and warehouses short of seven or eight months. By request and after consultation with Dr. White, we were permitted to fumigate those storerooms which contained goods that were not damageable by means of sulphur process of fumigating. In those storerooms and warehouses which contained goods which were easily damaged we were permitted to use a formaldehyde gas.

The men were divided into squads of five each, one of said squad being known as the captain or foreman. These squads were in charge of physicians employed by the State Board of Health, who gave instructions as to the work to be performed and saw that it was properly done. After a building was cleaned with the lye solution the physician in charge of the squad performing the work in said building would report the same to one of the physicians acting as inspector on the staff of Dr. White, and he in turn would inspect said building and mark it ready for spraying. The building then would be taken in charge by the spraying squad, whose duty it was to spray the walls and ceilings with a bichloride of mercury solution, 1 to 800. After this character of work was completed the building was again inspected by the State Board of Health inspectors, and by them reported to the inspectors on the Federal staff, who in turn inspected the building and approved the work by marking upon each door of the rooms of the building "O. K." and "Bich," which meant that the rooms and building had been cleaned, fumigated, and disinfected to the satisfaction of the physician acting as inspector on the staff of Dr. White.

This character of work was carried on until all of the 1,185 buildings in the district were completed; in all 16,888 rooms were cleaned, disinfected, and fumigated, besides numerous hallways, stairways, sinks, yards, basements, sub-basements, water-closets, and roofs. Dirt and filth from these buildings were carried to the street and alleyways,

where it was covered with quicklime by a force of men employed by the State, after which it was carted off to the crematory and burned; in all, 1,511 loads of this garbage, or 4,533 cubic yards. The carting and burning of this material were done by the City Board of Health at the expense of the city.

All the dark rooms, alleyways, and stairways were subjected to a coat of whitewash by a squad of men working under instructions of our inspector and at the expense of the State Board. In conjunction with the above, a plumbing inspector was employed, who made a thorough investigation of all the plumbing in the buildings in the district, and where defective plumbing was found notice was served upon the owners or their representatives, and with few exceptions the necessary repairs were made to the satisfaction of our plumbing inspector.

At this point we desire to note that the following plumbing fixtures and materials were used to place the plumbing in a sanitary condition:

- 97 new water-closets were put in.
- 186 new galvanized sinks.
- 46 automatic flush tanks.
- 36 new porcelain urinals.
- 28 slop-hoppers.
- 37 new iron and lead traps.
- 1600 feet cast-iron sewer pipe.
- 27 feet galvanized vent pipe.
- 1200 feet galvanized water pipe.
- 137 water-closets were repaired.
- 48 sinks were repaired.
- 81 slop-hoppers were repaired.

During the work a request came from Dr. White asking that a squad of men be formed to be known as the "flying squadron." This squad was organized and put in charge of one of the State physicians. The duty of this "flying squadron" was to clean and fumigate the buildings in which alleged cases of bubonic plague had existed; this squad cleaned in all some 34 buildings. The average number of men employed daily on all the work ranged from 135 to 150. The number of physicians employed as inspectors was 6.

A doubt having arisen in the minds of Dr. White and his staff as to the number of sick Chinese reported in the Chinese quarters, a corps of five physicians was employed by the State Board to make a house-to-house canvass in the district known as Chinatown, and to ascertain the truth of this doubt. These physicians made a daily report of the work performed by them, and also a report of the Chinese whom they found sick, giving a history of the case and their diagnosis of the disease. These reports were made in duplicate, one being placed on file in this office, and the duplicate sent to the office of Dr. White. Each block in the district was covered by our physicians eight different times, and in all of the seventeen blocks only 307 sick cases were reported to this office. Few cases of acute sickness were found, most of the cases being of a chronic character, the majority of whom were suffering from pulmonary tuberculosis.

Herewith is a statement of the deaths among the Chinese and Japanese of this city since 1897, as tabulated by the statistician of the City Board of Health:

Fiscal Year.	Estimated Population.	Male.	Female.	Total.
1897-98	18,000	397	57	454
1898-99	18,000	453	53	506
1899-1900	18,000	454	72	526
July, 1900, to Dec., 1900, inclusive	18,000	.....	.....	214
Jan., 1901, to April 30, 1901, inclusive .....	.....	.....	.....	151

A census, taken by the State Board of Health, as to the number living in the district known as Chinatown, amounted to 14,281 men, women, and children.

A morgue was established by the Marine Hospital people at 638 Merchant street, in the quarters formerly used as the City Morgue. Any Chinese man, woman, or child dying in the City and County of San Francisco was, by the order of Dr. White and his associates, immediately removed to this morgue and treated as a case of bubonic plague until the autopsy proved the contrary. The morgue and laboratory of the Federal authorities were conducted by Drs. Flint, M. White, and Ryfkogle. Dr. Flint performed all autopsies, and under an order issued by the City Board of Health of San Francisco, no Chinese person dying in the City and County of San Francisco could be buried until a certificate of death was countersigned by one of the above-named gentlemen, showing that the case was not one of bubonic plague. The morgue and laboratory at the present time are under the direct charge of Drs. Blue, White, and Currie. At all the autopsies the State has been represented by one or more physicians, and no autopsy has been held without a representative from this Board. Specimens were removed from the bodies of those autopsied for the purpose of making bacteriological investigations. The State has as its bacteriologist Dr S. M. Mouser, who conducts a very thorough and complete investigation in all cases which are considered in any way suspicious.

The hours for holding the autopsies were arranged for 10 A. M. and 3 P. M. daily. From April 8th to August 19th, 98 autopsies have been performed. Many of these cases were looked upon as very suspicious by the physicians employed by the Marine Hospital Service; but at all times the State Board, through its representatives, has never found

a case which could be pronounced as one of bubonic plague, and the report of the State Board's bacteriologist shows the result of a complete investigation.

The following cases have been selected as the ones which were looked upon as suspicious by the physicians in the employ of the Marine Hospital Service:

Woo Poy Wing, 822 Clay street, male, 32 years old, laborer, died at above number on the 7th of April. This case was seen by Dr. Lawlor on the 17th of March, and he obtained a history of pulmonary tuberculosis of over one year's standing. Autopsy made by Dr. Flint revealed the following facts: Glandular system, submaxillary (anterior and posterior), cervica, supra clavicular, right axillary, all negative. Left axillary, found one gland enlarged to the size of almond. The right inguinal glands just felt. The left inguinal just felt. The peritoneal cavity was filled with a cloudy, straw-colored exudate, which contained numerous flocculi. A remark was made at this point that this was very characteristic in plague, and that it was hardly necessary to go on further with the autopsy. At the suggestion of the State's representative, the autopsy was completed, with these findings, viz.: Anatomical diagnosis: Pulmonary tuberculosis, acute peritonitis, tumor of cecum, intestinal perforation, and arterio sclerosis. Bacteriological diagnosis, negative. Had it not been for the demand on the part of the State's representative at the autopsy this would probably have been reported as a case of plague.

Mark Owau Wing, alias Mae Quon, 735 Jackson street, male, 35 years old, laborer, died April 27th. This case was seen two days before death, and the cause of illness was given as spitting of blood. From a history of the case, a diagnosis of pulmonary tuberculosis was made. Anatomical diagnosis: Pulmonary tuberculosis; cholelithiasis; acute parenchymatous degeneration of the kidneys. Bacteriological diagnosis: By the Federal people, distinctly bipolar-stained bacilli; by the State authorities, the bacteriological examination showed a negative result.

This was the case which they endeavored to make out as one of plague and had it not been for the firm stand taken by our physicians there is no question but that this would have terminated as a pronounced case of bubonic plague. At the autopsy Dr. Flint made no statement concerning plague until he removed one enlarged gland from the right axilla. The right lung was removed and found to be tubercular. Dr. Flint then endeavored to remove the left lung, but found it so firmly adhered and diseased that it was impossible to remove it through the abdominal opening, and he stated that he did not desire to mutilate the body by making an opening in the chest walls. He further stated that this was a case of pulmonary tuberculosis, and with this diagnosis the State's representative felt satisfied and left the morgue. Later on in the afternoon Dr. Flint was found going through Chinatown in company with a police officer to the building in which the deceased Chinaman had resided at 735 Jackson Street. The room which he occupied was sealed and locked, but no quarantine was placed on the building. Dr. White immediately made a request that the room be fumigated, which was complied with. That evening the State's representatives demanded that the order given by the Federal people to quicklime the body for burial be countermanded, and a further and more complete autopsy be performed. Our request to non-quicklime the body was granted, as well as postponement of time of burial. The following morning Dr. Flint was interviewed and requested to explain his position in this case. He stated that he desired to await the result of a bacteriological investigation before giving an anatomical diagnosis. He said that if the State desired to make a more complete autopsy they could do so, he would not, but finally admitted that both lungs were completely destroyed by tuberculosis, and the left lung to such an extent that it was impossible to remove it. No further autopsy was insisted on after this admission. We learned that they had inoculated a guinea-pig, but the guinea refused to succumb to their bacilli. The result was that they finally admitted that no evidence of plague had developed from their bacteriological examination, although they were positive in the beginning that they had found bipolar-stained bacilli. The bacteriological investigation made by the State's physicians on the above case gave a negative result.

Mrs. Augusta Feller, white, female, died at the City and County Hospital on April 24th. Anatomical diagnosis: General acute peritonitis; hypostatic congestion of the lungs; cloudy swelling of the liver, kidneys, and heart; chronic fibroid myocarditis. Bacteriological diagnosis: By the Federal people, bipolar-stained bacilli, plague; by the State's authorities, pneumococci.

This was, in the opinion of Dr. Flint, a typical case of plague. This woman resided with her family at 140 Berlin street, and was taken sick on April 15th, while nursing her husband, who was suffering from traumatic pneumonia, the cause of which was a fractured rib produced by the kick of a cow; and on April 19th, on account of the distressed financial circumstances of the family, she was removed to the City and County Hospital and placed under the care of Dr. Charles Rosenthal until the time of her death, and was attended by Dr. Alfred McLaughlin before her removal to the hospital. From Dr. Rosenthal the State received the information that this was a case of acute peritonitis, with double lobular pneumonia, and he signed the death certificate, giving the above-named diseases as the cause of death. Dr. Pillsbury, who made the autopsy in this case, could not verify the statement of Drs. Flint, Ryfkogel, Kellogg, and others, who claimed that they found plague bacilli. Drs. B. F. Williams and Doddsworth, internes at the City and County Hospital, were present at the autopsy. On the findings of Drs. Flint and others the ward at the hospital in which the woman died was quarantined pending a more complete bacteriological examination on the part of Dr. Flint and his associates. These physicians were so positive regarding their diagnosis in this case that they went out to the residence of the deceased woman with the intention of taking some of the blood of the sick husband for examination and to Haffkine the children. Upon their arrival at the house, and after getting a history of the husband's

illness and injuries, they failed to carry on any further investigation, or to Haffkine the children. They inoculated a guinea-pig with specimens removed from the body of the deceased woman, but the result proved negative. After holding off a bacteriological examination for a week or more, they finally admitted that they had been mistaken, and countersigned the certificate of death, giving as a cause of death acute peritonitis with lobular pneumonia, and ordered the quarantine raised on the ward. The State's representatives had informed the Federal people and their associates that they could give them a complete history of this woman's case from the date of her very recent confinement when she gave birth to a child, up to and including the time of her death, and that they were positive as to their position that this was not a case of bubonic plague. The Federal people and their associates ordered this body quicklived for burial, yet they permitted a public funeral from an undertaking establishment in the Mission, and published the date and hour of the funeral in the daily papers.

Lee Yick Wau, 622 Jackson street, male, laundryman, 42 years old, suddenly died April 27th. This case was not seen before death, but an investigation before the autopsy was performed revealed the fact that the man had died from the effects of an overdose of Chinese medicine. Dr. Flint stated, before the autopsy began, that this certainly was one of the supposed hidden cases of plague, so often mentioned. At the request of the State's representatives, a complete autopsy was made of the stomach and intestines, and when no cause was found to account for the acute pathological changes in the stomach and intestines, the State's representatives gave the cause as above mentioned, and thus another case was proven to be based on fallacy. Anatomical diagnosis: Acute gastro-enteritis; phthisis; cholelithiasis; chronic pleurisy and chronic interstitial nephritis. Bacteriological diagnosis, negative.

Wong Do Gap, 828 Sacramento street, male, age 40, died May 13th at the Oriental Dispensary. This case was seen many times clinically for more than one month, and a diagnosis of tubercular adenitis was made. Anatomical diagnosis: Acute hemorrhagic gastro-intero colitis, caused by chewing and swallowing Dr. Flint's clinical thermometer; chronic nephritis; edema of the lungs; cervical tubercular adenitis of the glands of the left axilla. Bacteriological diagnosis: Federal people found bipolar-stained bacilli, and inoculated a guinea-pig; result proved negative.

Lei Lum or Gee Mon Sui, 625 Dupont street, age 43, laundryman. Autopsied at Public Morgue, July 7th. Spleen examined by Federal doctors on same day, and pronounced suspicious of plague. This case was reported July 1st, and seen clinically. A diagnosis of pulmonary tuberculosis and stenosis of trachea made. Obstruction in trachea was due to a cicatrix, resulting from a cut in throat with suicidal intent. Patient committed suicide on the 6th, and was examined as above stated. Cultures and inoculations proved bipolar-stained bacilli to be diplococci.

Mon Lung, 4 Clay avenue, child, age four months. This case was treated at the Presbyterian Mission by Dr. Minnie Worley for more than two weeks for pneumonia. Autopsy revealed bipolar-stained organisms in smears from spleen. These appeared to State's representative to be streptococci, not bacilli, as claimed by Federal doctors. Cultures and inoculations proved organisms to be streptococci and the cause of pneumonia.

"To the Honorable Board of Health of the State of California:

"The undersigned begs to report that on July 6, 1901, he was present at an autopsy of a Chinaman named Lee Ah Wa (?) made by employes of the U. S. Marine Hospital Service, and has since made cultures and inoculations with tissues from the body of said Chinaman, making the usual bacteriological investigations, which led him to the conclusion that said Chinaman died of septicemia hemorrhagica, and not of bubonic plague.

"Respectfully submitted,

"S. M. MOUSER.

"San Francisco, July 16, 1901."

Case 64, known as "Saina," a Japanese diva, of 845 Washington street. This was the second body autopsied on July 9th; the first being that of "Moiyo," also from the same place. This case was reported by Dr. Blue at 10 P. M. on July 8th as very suspicious of bubonic plague. Drs. Lawlor and Stone visited the case about midnight on the same day, and found the patient suffering with a fever ranging from 101° to 102°, moderately rapid pulse and breathing, and enlarged inguinal femoral glands on both sides. The glands were about the size of an almond not hulled, surrounded by a slight periglandular edema, and tender upon pressure. The skin over glands on right side showed a well-defined puncture mark, which had been made by Dr. Ryfkogel for the said purpose of withdrawing blood from glands for bacteriological examination. The history of the case previous to visit of Drs. Lawlor and Stone is this: The patient became sick the latter part of June. Dr. M. Regensberger was called in to treat the case. He made the diagnosis of typhoid fever and gave treatment for same, but since the patient did not show signs of improvement under this treatment Drs. Carpenter and Evans were called in consultation. Both of these doctors heard murmurs over area of heart, but were not satisfied as to their diagnosis, and therefore a third consultation in the form of a bacteriologist, Dr. Ryfkogel, was called in, who at once pronounced the case bubonic plague, and then made the puncture above-mentioned to confirm his diagnosis. The post mortem showed the following: A chancre on the right side of vulva, the inguinal femoral groups of glands enlarged and surrounded by a non-hemorrhagic periglandular edema. Some of the glands ready to break down by fibrinous necrosis. Smears made from the glands showed the bipolar-stained organism only to be present in set of glands on right side where the puncture had been made. The smears made from glands on left side were negative. From the cut surfaces of

tumefaction about glands a serous exudate flowed, or rather oozed. The peritoneum, intestines, mesentery and its glands, stomach, and kidneys were found to be normal, not even injected nor hemorrhagic. The spleen was about double its size, soft, pulp structureless, and upon capsule being cut flowed out. Smears made of spleen did not show bipolar-stained organisms. The heart did not show any lesions, nor even thickening of valves, although a few atheromatous plaques faintly showed in aorta, this proving that the consulting doctors who heard murmurs as stated above were mistaken. The lower lobes of both lungs were greatly congested, and upon being cut a serous, sanguinous, frothy exudate flowed from same. It should be added here that smears were made from this exudate of lungs, from the heart's blood, and from the mesenteric glands, but none of these smears showed bipolar-stained organisms; this proving clearly that the organisms found in the right group inguinal femoral glands were not found in blood of subject. This is in direct contradiction to findings of bacilli in suspected plague cases elsewhere; the spleen being the organ where the bacilli are found most abundantly, and if at all present, are found in this organ. This is in accordance with the ideas of the Federal doctors, because frequently no other organ in a case is examined.

Cases 63 and 68 were similar in every respect to above cases.

"To the Honorable State Board of Health of the State of California:

"The undersigned begs to report that at the request of your Honorable Board he has made a thorough bacteriological investigation of three Japanese woman who died at 845 Washington street and has arrived at the conclusion hereinafter stated:

"These women were named, respectively, Miss Moioyo (No. 63 of autopsies made since April 4th by medical men connected with the U. S. Marine Hospital Service), Miss Saina (No. 64), and Miss M. Kawamura (No. 68). These women were all inmates of a house of prostitution, and were similarly situated as to their habits and mode of life. The post mortem appearances were in many respects similar, except that in case 68 there were marked evidence of syphilis, copper-colored spots appearing on the skin of nearly all parts of the body. There was in each case some enlargement of the inguino-femoral glands, but in no case was the gland broken down or in a state of suppuration. There was no marked changes in the axillary or cervical glands.

"In cases 64 and 68 there was a little enlargement of some of the mesenteric glands. In each case the spleen was somewhat enlarged and friable. In all three cases were found short, rather thick micro-organisms, staining more deeply at the ends than in the middle. Guinea-pigs inoculated with portions of tissue from these dead bodies invariably died in a few days with every evidence of septicemia hemorrhagica. In all these cases the organisms were obtained in pure culture and inoculated into half grown guinea-pigs, not one of which died nor showed evidence of disease. While the organism found in these cases resembles somewhat that of plague, it equally resembles so many other bacteria that we should hesitate to pronounce on it from its morphology alone. For instance, chicken cholera, swine plague, the plague of deer and other wild animals, septicemia hemorrhagica, etc.

"Where the greatest bacteriologists in the world differ in opinion on the identity of the organisms above-named, should we not hesitate to pronounce hastily and positively by the morphology alone without taking into consideration the clinical aspect of these cases and all other evidence that can be obtained? Returning to the morphology of the organism found in the cases, it will be proper for the writer to state that he has, while investigating these cases, found an organism identical with the one found in the dead subject in every particular. Not only in its morphology, but the culture and reactions are the same throughout. This was obtained in some water from a small lake which was being examined. Since, in examining some urine, he found what is morphologically its prototype. From this last it was convenient to obtain cultures.

"Clinically we have no evidence of the existence of plague. In the first place, there has been no unusual amount of sickness in the Chinese quarter or in the city. Secondly, with the exception of the three cases under consideration, and perhaps two others, there have not been two cases of suspects found in one house, nor in the immediate vicinity. This has not been the case in other places where plague has prevailed.

"In view of all the facts he has been able to gather he does not hesitate to say he is satisfied that the above mentioned were all cases of septicemia hemorrhagica, and not bubonic plague.

"Case 69, a Chinese girl, fifty days old, was submitted to the undersigned for investigation, but as the micro-organism above described was not found, no further investigation was made.

"Respectfully submitted,

"S. M. MOUSER, M.D.

"San Francisco, August, 1901."

Wong Chou, 24 Waverly Place, age 32; occupation, Chinese doctor. Autopsied August 20, 1901. This case was not seen clinically by the State's representatives before death. Dr. M. White, of the Marine Hospital Service, was notified of the sickness of the above Chinaman by Wong Chung, the interpreter for the Marine Hospital physicians, whereupon Dr. White made a visit to the above place and saw the case clinically one-half hour before death. After visiting the case, he immediately notified the physicians representing the State that he had a very suspicious case and one which showed clinically all the evidences and symptoms of a true case of bubonic plague. He was so positive of proving his clinical diagnosis to the satisfaction of the other physicians, that when the case was visited by Drs. Blue and Currie, of the Marine Hospital Service, and Drs. Lawlor, Stone, and Bothe, representing the State Board of Health, with Dr. White, the said Dr. White carried with him to the residence of the said Chinese a quantity of Yersin serum for the purpose of using it on the sick Chinaman. Upon arriving,

at the residence of the Chinaman, much to the surprise of Dr. White and his associates, they found that the said Wong Chou had departed to the "Great Unknown." The case was immediately removed to the morgue, where an autopsy was made by Dr. White in the presence of the above-named physicians and representatives from the City Board of Health. The autopsy revealed the following facts: The peritoneum was not injected and the abdominal cavity contained no fluid. Mesentery glands were not enlarged. The spleen was enlarged to more than double its size, of a dark chocolate color. The stomach was normal, but contained about one pint of Chinese medicine, which had an odor of chloral. The lower lobes of the lungs were congested, but contained no tubercles. The heart contained a large ante-mortem clot. The glands in the left inguinal region were slightly enlarged, and over this region the Chinaman had a large plaster of Chinese ointment. On making an incision over the course of the spermatic cord a large quantity of pus exuded; upon further examination a large abscess on the left testicle was found. This no doubt was the cause of the swelling in the region of the left inguinal gland. Smears from the pus showed the infecting organism to be streptococcus. The smears taken from other organs of the body showed that they contained the same organism. Death was due to the streptococci infection, with an acute splenic tumor, and to an overdose of Chinese medicine. Dr. White and his associates seemed to be very much disappointed in a failure to prove their clinical diagnosis of bubonic plague.

TO SUMMARIZE.

The State has scrubbed an area equal to 525 acres, and in addition thereto, fumigated about 30,000,000 cubic feet of dwelling apartments.

Have seen 307 sick cases and autopsied 103 cases.

Total cost to date, \$37,518.

Number of days cleansing Chinatown and visiting the sick, 142.

During all of which time we have not observed a single case of bubonic plague.

OFFICE OF CALIFORNIA STATE BOARD OF HEALTH,
SACRAMENTO.

To His Excellency HON. HENRY T. GAGE, Governor of California:

SIR: On March 31st, 1901, as executive officer of the State Board of Health, I was authorized and directed by you to incur the necessary expense to render the Chinese quarter of San Francisco thoroughly sanitary and, incidentally, to eradicate any contagious disease found to exist there. The report of the operations entered upon and carried out by virtue of this order is hereby submitted. At the beginning of this work the Federal authorities who co-operated with us were of the opinion, based upon reports of others more or less trustworthy, that bubonic plague was prevalent among the Chinese of that city, and that it would be readily found as soon as proper investigation was had. During this period of fumigation, disinfecting, and cleansing no effort was omitted on our part nor on the part of the Marine Hospital representatives to locate and identify the presence of plague.

At the conclusion of the work, as thorough and searching as it could possibly be made, no case of bubonic plague was found, nor was any indication of its having been there discovered. If plague had existed in San Francisco just prior to this sanitary investigation, it would have been there during the months of April, May, and June, because no efforts had been made to suppress it and no precautions taken to prevent its spread.

It is safe, therefore, to say that the evil reports of the presence of that disease in San Francisco were based upon error in diagnosis upon the part of incompetent investigators. We take great pleasure in assuring you that plague does not exist in San Francisco, and that it never has had lodgment there, nor elsewhere in California.

CALIFORNIA STATE BOARD OF HEALTH.
By W. P. Mathews, Secretary.

APPENDIX "B."

LIST OF PARDONS, COMMUTATIONS, AND REPRIEVES FROM JANUARY 7, 1901, THE DATE OF THE FIRST BIENNIAL MESSAGE, TO PRESENT DATE.

I.

PARDONS AND COMMUTATIONS OF SENTENCE FROM STATE PRISON.

1.

Name of Prisoner.	County.	Crime.	Sentenced.
Oliver Emerson -----	Tuolumne -----	Murder, first degree -----	July, 1899 -----

DECISION.—Whereas, in the month of July, A. D. 1899, at a regular session of the Superior Court, held in and for the County of Tuolumne in said State, Oliver Emerson was tried and convicted of the crime of murder, first degree, and sentenced to be hanged

on the 8th day of March, 1901; and whereas, the said Oliver Emerson thereafter appealed to the Supreme Court of California from said judgment; and whereas, said Supreme Court, through Chief Justice Beatty, in affirming the judgment of the lower court, in part said:

"Upon this evidence a jury has found—and the finding has been approved by the trial judge—that the defendant is guilty of murder in the highest grade, and that he deserves to suffer the extreme penalty of the law. We are asked to say as a matter of law, that this verdict is so entirely without support in the evidence that it can not stand. But after the most careful consideration of the case we do not feel ourselves justified in setting aside the verdict upon this ground. Certainly the showing against the defendant was not a strong one, as to the question of deliberation, such as characterizes murder of the first degree. He did not seek or provoke the quarrel which was the immediate cause of the killing. He did not show himself at all aggressive in the course of the altercation, and all the evidence shows that he had turned to leave the scene of the trouble, and would have done so but for the conduct of Rodgers and his wife in following him up and angrily demanding to know where he had seen her before. All this is inconsistent with an intention on the part of the defendant to seek the life of Rodgers at that time, and strongly corroborates his claim that he was only induced to fire by the belief that he was in danger of fatal or serious injury from the threatened attack of Rodgers, armed as he was with a stone, which, in the hands of a strong and determined man at close quarters, is always a dangerous and often a deadly weapon. But on the other hand, the long-standing quarrel and bitter hostility of the parties, the preparation for trouble evidenced by the constant carrying of a loaded pistol, and the threat to put Rodgers 'where the dogs would not bark at him,' were items of evidence from which the jury might infer a premeditated design to kill; and the fact that the fatal wound was inflicted after the deceased had dropped his weapon and had turned, or was in the act of turning, to run, was evidence which certainly tended to show that defendant was not acting solely with a view of defending himself from death or serious bodily injury. True, none of these circumstances is at all conclusive, nor are all together. Judging by so much as is disclosed by this record, the quarrel between the parties was not exclusively of defendant's seeking, nor was he particularly active in promoting it. On the contrary, the deceased seems to have been the aggressor. The act of defendant in arming himself may well have been prompted, as he claims it was, solely by fear of violence, of which he had been warned. His threat to put Rodgers 'where the dogs would not bark at him' may have been idle and meaningless. His second and fatal shot, fired after Rodgers had dropped his weapon and turned to run, may have been caused by a failure to observe, under the excitement of the moment, that his adversary was endeavoring to avoid further conflict. But all these matters and their full significance were for the jury to weigh and determine; and their verdict, having substantial evidence to support it, can not be disturbed unless it is vitiated by some erroneous ruling of the court."

And whereas, verbal recommendations for Executive clemency in this case having been made to me by the Chief Justice of the Supreme Court of the State;

And whereas, from an examination of the application for commutation of sentence and from the records and papers on file in this department relating to said case, it appears that the evidence was not sufficient to justify the conviction of the defendant of the crime of murder in the first degree;

February 28, 1901, sentence commuted to imprisonment in the State Prison at San Quentin for the term of fifteen years.

2.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Donati C. Probasco..	Siskiyou	Murder, second degree..	December, 1893..	..... 21 years.

DECISION.—Whereas, in the month of December, A. D. 1893, at a regular session of the Superior Court, held in and for the County of Siskiyou, in said State, Donati C. Probasco was, after due trial and conviction of the crime of murder in the second degree, sentenced and condemned to undergo an imprisonment in the State Prison at San Quentin for the term of twenty-one years;

And whereas, the said prisoner has been imprisoned in said State Prison since December 1, 1893, and his term of imprisonment would, with deductions for good behavior, end November 1, 1906;

And whereas, said prisoner during his said term has not only shown exemplary conduct and strictly obeyed prison rules and regulations, but rendered great service to the prison authorities, resulting in the saving of the life of one of the guards in the following particulars, as appears by the following words of a report from the Warden of said prison to the State Board of Prison Directors, dated December 6, 1899, to wit:

"This prisoner has shown himself as deserving of some recognition at your hands for his conduct on May 17, 1899, when Guard McDonald was murderously assaulted in the jute mill by convict Oppenheimer. While the said guard was apparently at the mercy

of such would-be assassin, no other guard being in the immediate vicinity to render assistance, the above-named prisoner, No. 15,688, D. C. Probasco, the only person who saw the assault, ran to the nearest guard, S. R. Yoho, and notified him that his brother guard was about being killed by a prisoner, and led him to the scene of the occurrence. This enabled Guard Yoho to render such assistance as to prevent the killing and overpower the assassin. It is beyond doubt that had it not been for the timely warning given by the prisoner Probasco to Mr. Yoho, Mr. McDonald would surely have been stabbed to death."

And whereas, after a full examination of the said facts by the State Board of Prison Directors, the said report of the Warden was fully verified, and the conduct of the prisoner found to be at all times exemplary, and said board after such examination caused its report, under date December 11, 1899, to be submitted to me, wherein they duly recommend that said Donati C. Probasco was deserving of full pardon;

And whereas, it appears to me that, in view of the meritorious conduct of said prisoner, considering the time during which he has been imprisoned in expiation of his crime, this is a proper case for the exercise of Executive clemency, and that the granting of a pardon in this case in recognition of the services of said Probasco will be an example to other convicts that may result in the improvement of their conduct and encourage them to scrupulously obey the prison rules and regulations;

Pardoned May 3, 1901.

3.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Patrick Brick -----	Colusa -----	Murder, first degree -----	July, 1885 -----	----- Life.

DECISION.—Whereas, in the month of July, A. D. 1885, at a regular session of the Superior Court, held in and for the County of Colusa, in this State, Patrick Brick was tried and convicted of the crime of murder in the first degree, and sentenced to be hanged, which judgment and sentence was thereafter affirmed on appeal by the Supreme Court of this State;

And whereas, thereafter in the month of April, 1886, Governor Stoneman commuted the sentence to imprisonment for life on the petitions of numerous persons presented to him from different portions of the United States, among whom were the then Speaker of the House of Representatives, three United States Senators, including Hon. Leland Stanford, the Governor and ex-Governor of the State of Kentucky, besides many citizens of Louisville and St. Louis, where said Patrick Brick formerly lived, and many citizens of Colusa County, where said homicide was committed, all testifying to his uniform good character while a resident of those places; and after a careful inspection and reading of the testimony in the case, said Governor Stoneman found that the crime was committed in the heat of passion, and that it lacked the elements of malice and premeditation necessary to make it murder in the first degree;

And whereas, petitions have been received by me from many citizens requesting a re-examination of the case and a full pardon;

And whereas, it appears from the records before me that the said Patrick Brick has been actually confined in the State Prison at Folsom for the period of fifteen years, which term of imprisonment, if he had been sentenced to a term less than life, and had been entitled to credits, would be equivalent to a term of imprisonment of about twenty years and seven months;

And whereas, it appears from the records of the officers of the prison that during his long period of imprisonment his conduct has been most exemplary, and that by his expert work on the roofs of the prison he has been of most valuable assistance to the officers, and saved much money to the State;

And whereas, the Judge who tried the cause has joined in the application for clemency, as appears from a letter on file among said records;

And whereas, upon an examination of the facts of the case, I find that the prisoner was convicted of the crime during a period of great popular excitement, due to the previous murder of Dr. Glenn, committed in the same locality, some few months prior to the killing of Jones by said Patrick Brick, and prejudice was engendered thereby against said Brick. And it further conclusively appears to me that the killing of Jones by said Patrick Brick was in a sudden quarrel and heat of passion, and immediately after being violently assaulted and knocked down by said deceased, so that the highest crime for which said Patrick Brick should have been lawfully convicted, if proper to convict him at all, was manslaughter;

And whereas, the highest punishment prescribed for manslaughter was then and still is ten years' imprisonment;

And whereas, said Patrick Brick has actually served a term of fifteen years confinement in the State Prison at Folsom;

And whereas, in view of the facts and the good character of said Patrick Brick, both before and after his imprisonment, it appears that justice and clemency require in this case a full and unconditional pardon;

Pardoned May 29, 1901.

4.

Name of Prisoner.	County.	Crime.	Sentenced.
Thomas P. Owens -----	Sonoma -----	Murder, first degree -----	----- July, 1900

DECISION.—Whereas, in the month of July, A. D. 1900, at a regular session of the Superior Court, held in and for the County of Sonoma, in said State, Thomas P. Owens was tried and convicted of the crime of murder in the first degree, and was thereafter duly sentenced to be hanged in the State Prison of California, at San Quentin, on the 25th day of October, A. D. 1901;

And whereas, a petition signed by many persons, and several letters from divers persons have been presented to me wherein it is alleged that the said Thomas P. Owens was, at the time of the commission of the crime of which he was convicted, irresponsible and insane, and is still insane;

And whereas, upon the said petition and letters I did appoint Dr. F. W. Hatch, General Superintendent of State Hospitals, to visit the said Thomas P. Owens at the State Prison at San Quentin;

And whereas, the said Dr. F. W. Hatch visited said convict Thomas P. Owens, and on the 15th day of October, 1901, made to me a written report as follows:

"CALIFORNIA STATE PRISON,
"SAN QUENTIN, October 15, 1901. }

"HON. HENRY T. GAGE, Governor State of California:

"DEAR SIR: In accordance with your instructions to visit and examine into the mental condition of convict Thomas P. Owens, under sentence of death at the State Prison at San Quentin, I have this day made a careful examination of the said Thomas P. Owens and beg to report as follows:

"First—That there is sufficient evidence of present insanity to justify a more prolonged investigation than can be had in the limited time intervening between now and the day set for his execution.

"Second—I respectfully request that you grant such reprieve as will enable me to make further investigation before expressing my positive conclusions as to the existing mental condition.

"Respectfully yours,

"F. W. HATCH, M.D.,
"Gen'l Supt. State Hospitals."

And whereas, a doubt having arisen as to the sanity of said Thomas P. Owens, and request having been made by said Dr. F. W. Hatch for a reprieve of sentence, and it appearing to me that a reprieve of sentence for a reasonable time would be consonant with justice in order to allow a full investigation and determination of the prisoner's mental condition;

And whereas, pursuant to said recommendation of Dr. F. W. Hatch, on the 19th day of October, A. D. 1901, I reprieved the sentence of death until Friday, December 20, 1901, and authorized said Dr. F. W. Hatch to employ such assistant physicians as he might select in making further investigation;

And whereas, on the 11th day of December, A. D. 1901, said Dr. F. W. Hatch and Doctors J. A. Crane and J. D. Young, his assistants, returned to me the following report and recommendation, to wit:

"December 11, 1901.

"HON. HENRY T. GAGE, Governor of California:

"DEAR SIR: Having been asked to inquire into the mental condition of Thomas P. Owens, now under reprieve of sentence of death in the California State Prison at San Quentin, we beg leave to report that, after a careful review of the history of the man and his family—which history clearly reveals an inherited tendency to brain disease and insanity—together with a close study of his appearance, manner, and conversation, we believe him to be insane at the present time.

"And while it may be exceeding our instructions in the case, we also venture it as our opinion that the said Owens was of unsound mind prior to and upon the occasion of the crime for which he stands condemned, and that the action of alcohol upon a brain predisposed to disease, by reason of these inherited tendencies, was largely the occasion of this mental unsoundness and the resulting crime.

"The above being the conclusions arrived at by us, there is no alternative offered but to suggest to your Excellency that we believe that the demands of justice will be fully subserved by a commutation of the death penalty to that of imprisonment for life; this course also affording the public immunity from further acts of violence upon the part of the condemned man.

"And finally, as this case may require further observation and study, we recommend that for the present he be detained in San Quentin, leaving the place of his final and permanent detention open for future consideration.

"Very respectfully,

"J. D. YOUNG, M. D.

"J. A. CRANE, M. D.

"F. W. HATCH, M. D."

And whereas, it appearing to me from said report that the recommendation of a commutation of sentence to life imprisonment is right and proper in the premises and is consonant with justice;

December 12, 1901, sentence commuted to life imprisonment.

5.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Marion Miranda---	Sonoma-----	Murder, second degree--	June, 1898-----	-----12 years.

DECISION.—Whereas, in the month of June, A. D. 1898, at a regular session of the Superior Court, held in and for the County of Sonoma, in said State, Marion Miranda was tried and convicted of the crime of murder in the second degree, and condemned to undergo an imprisonment in the State Prison at San Quentin for the term of twelve years;

And whereas, application for the pardon of said Marion Miranda has been made by several reputable citizens representing that said Miranda was innocent of the crime of which he was convicted, and it appears from the facts and documentary evidence submitted to me that said Marion Miranda was jointly charged with one Pete Bill in the Superior Court of the County of Sonoma, State of California, of the crime of murdering one Bernardo, and both were found guilty of murder in the second degree. And it appears that the evidence against said Miranda was mainly circumstantial, and that after the sentence of said Miranda and Pete Bill, to wit, on October 3, A. D. 1898, said Pete Bill, being on his deathbed, freely and voluntarily acknowledged the killing of said Bernardo, and exonerated said Marion Miranda from all complicity in said crime, and then and there freely and voluntarily made and subscribed to the following affidavit:

"In the Superior Court of the County of Santa Rosa (*sic*), in the State of California.

"The People of the State of California, plaintiff, vs. Pete Bill and Marion Miranda, defendants.

"State of California, County of Marin—ss.

"I, Pete Bill, one of the above-named co-defendants in the above-entitled action, wherein said defendants were charged with and convicted of the unlawful killing of one Bernardo (whose first name is at present unknown to deponent), of the County of Santa Rosa" (*sic*), "State of California, on or about the 28th day of May, 1898, being first duly sworn, doth depose and say: That said Marion Miranda and his wife and said Bernardo and deponent and deponent's wife were all together about nine o'clock at night on the above-named date. That about this said time said Marion Miranda and his wife separated themselves from the company of said Bernardo and deponent and deponent's wife, and were not present at the time of the said killing of the said Bernardo. That after the said Marion Miranda and his wife had separated themselves from the company of the said Bernardo and deponent and deponent's wife, as aforesaid, the said Bernardo attempted with force and arms to commit the crime of rape upon the person of the wife of deponent, and declared that he was going to take deponent's wife to his house to live with him. That deponent thereupon resisted the said force of the said Bernardo, and that the said Bernardo did then and there assault deponent with a knife, whereupon deponent pulled a picket off of a fence near by and struck the said Bernardo over the head with the said picket, which said blow killed said Bernardo. That this affidavit is given voluntarily and under no duress and without any inducement from any one or from any source whatsoever, but wholly with the desire to tell the truth; and that this affidavit is the truth, the whole truth, and nothing but the truth, any statement, declaration, affidavit, admission or confession to the contrary notwithstanding.

"PETE BILL.

"D. J. Quaid, Jas. F. Shields, Suisun, Witnesses.

"Subscribed and sworn to before me, this 3d day of October, A. D. 1898.

CHAS. E. ALDEN,

[SEAL.] Notary Public in and for the County of Marin, State of California."

And whereas, it appears from letters received from Hon. Albert G. Burnett, the judge who tried the cause, and from Hon. Emmett Seawell, the district attorney who prosecuted said cause, that said Marion Miranda was innocent of said crime, and the said Judge has written to me the following frank expression of his opinion:

"SANTA ROSA, CAL., March 21, 1902.

"HON. HENRY T. GAGE, Governor of the State of California:

"DEAR SIR: In reference to one Miranda convicted in my court of murder in the second degree about whom I have written you before, I desire to state that from infor-

mation received since his conviction, I am of the opinion that he was innocent of any connection with the crime and that he ought to be pardoned.

"Yours very truly,

"ALBERT G. BURNETT."

Pardoned, March 26, 1902.

6.

Name of Prisoner.	County.	Crime.	Sentenced.
Frank R. Donlan	Tulare	Murder, first degree .....	..... October, 1900

DECISION.—Whereas, in the month of October, A. D. 1900, at a regular session of the Superior Court, held in and for the County of Tulare, in said State, Frank R. Donlan was tried and convicted of the crime of murder in the first degree, and sentenced to be executed at the State Prison in San Quentin on January 4, 1901;

And whereas, an appeal from said judgment of the said Superior Court was taken to the Supreme Court of California, and, said judgment having been afterward affirmed, the said Frank R. Donlan was on March 21, 1902, in the said Superior Court in and for Tulare County, sentenced to be executed on April 11, 1902, in said State Prison at San Quentin;

And whereas, it was afterward represented to me by several representative citizens of the State that the said Frank R. Donlan at the time of the commission of said crime was irresponsible and that he is now an irresponsible and insane person;

And whereas, in view of said representations, on the 31st day of March, 1902, I appointed Dr. F. W. Hatch, the General Superintendent of State Hospitals, to investigate the case and to make a thorough investigation of the mental condition of said Frank R. Donlan and report to me thereon, and thereupon I granted a reprieve of sentence until Friday, May 9, 1902;

And whereas, I have this day received from Dr. F. W. Hatch a report concerning the said Frank R. Donlan, in which said report Dr. J. D. Young of the Napa State Asylum has joined, which said report is as follows, to wit:

"STOCKTON, CAL., May 1, 1902.

"HON. HENRY T. GAGE, Governor of California:

DEAR SIR: Having been directed by you to inquire into the mental condition of Frank Donlan, under sentence of death, we beg to report that a careful examination of the life history of the condemned shows a marked inheritance to insanity and epilepsy on the father's side. According to the sworn statements of the mother and three brothers of the condemned, he has been subject to epileptic attacks since early childhood. This testimony is corroborated in part by the sworn statement of Dr. F. F. Lord, a practicing physician, that he has seen him in an epileptic seizure, and also by the statement of one Ochoa, a criminal under sentence of death and the cell-mate of Donlan, that he has seen him in convulsions on three separate occasions. Examination shows that he is defective mentally, the defect being due to long-continued epileptic attacks. He committed the crime when under the influence of liquor. The morning after the commission of the crime—according to the physicians who examined him—he was a nervous wreck and 'verging on tremens.' Probably no case of epilepsy exists in which there is not more or less mental impairment. We do not assume that the presence of epilepsy in an individual necessarily renders that individual irresponsible for a crime committed, yet when there is epilepsy of years' duration with resultant mental weakness, as in this case, that fact should weigh in determining the measure of punishment in some way proportionate to the degree of moral resistance which can be opposed to crime.

"Taking all of these facts into consideration, and it being established that the condemned is mentally defective and a sufferer from epilepsy, we therefore recommend that the death sentence of Donlan be commuted to imprisonment for life.

"F. W. HATCH, M.D.

"J. D. YOUNG, M.D."

And whereas, from said report it appears that the said Frank R. Donlan was and is an irresponsible person, and that the ends of justice will be subserved in complying with the recommendations of said physicians;

May 5, 1902, sentence commuted to life imprisonment.

7.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Barbeau	Mariposa	Murder, first degree	May, 1895 .....	..... Life

DECISION.—Whereas, in the month of May, A. D. 1895, at a regular session of the Superior Court, held in and for the County of Mariposa, in said State, John Barbeau

was tried and convicted of the crime of murder in the first degree, and condemned to undergo an imprisonment in the State Prison for the term of his natural life;

And whereas, numerous representative citizens have petitioned for his pardon, and from the facts represented to me it clearly appears that said John Barbeau committed the said homicide under circumstances strongly indicating sufficient provocation and grounds of self-defense, and that under the strongest facts presented against him the crime committed was not above the grade of manslaughter;

And whereas, it appears that the said John Barbeau is an old and infirm man, being about 66 years, and is a veteran of the Civil War, having served gallantly in said war and having been honorably discharged;

And whereas, he has been imprisoned in the State Prison at Folsom for said homicide since June 27, 1895, and has been more than sufficiently punished for the offense shown by the actual facts;

And whereas, the facts and records in the matter of said Barbeau's application for pardon were duly submitted to the Board of State Prison Directors on May 24, 1902, and the said board adopted and referred to me their findings and recommendation as follows, to wit:

"Convict No. 3489, John Barbeau (convicted of the crime of murder, first degree, committed to the State Prison at Folsom to serve a life term by the honorable the Superior Court of Mariposa County, received June 7, 1895), having made application to the Governor of California for Executive clemency, and his Excellency Henry T. Gage, Governor, having submitted the application to this Board for its consideration and recommendation, the Board finds and recommends as follows:

"It appears from the evidence submitted for consideration that the application for a pardon is signed and urged by citizens of weight and high standing in this community;

"That the crime was committed under great provocation, and, considering the quarrelsome temperament of the man killed, and his prior attempt upon the life of the petitioner (Barbeau), the killing could almost be said to have been done in self-defense;

"It appears that the petitioner is of an inoffensive, mild, and harmless disposition, of a somewhat simple and over-confiding nature, not over strong mentally, and that his life, prior to and since his committing this offense, has been praiseworthy and irreproachable;

"It appears that he is an old volunteer soldier, who fought to protect his country in the war of the Rebellion for over five years, and that he now has an opportunity offered to spend the few remaining years of his old age in a National Home for Disabled Volunteer Soldiers;

"It appears that Mr. Geo. M. Mott and Mr. T. W. Sheehan, responsible and reputable men, have obtained a legal permit from the Soldiers' Home in Ohio for the admission of the petitioner (Barbeau), and for his proper care and keeping in that institution, and have guaranteed that all transportation expenses will be furnished by them in event that a pardon be granted;

"Therefore, this Board does most respectfully recommend to his Excellency Henry T. Gage, Governor of California, that he do pardon the said convict No. 3489, John Barbeau; provided the said Barbeau be placed in some soldiers' home outside the limits of this State, to be properly provided and cared for during the remainder of his life, without further expense to the State of California."

Pardoned June 2, 1902, upon express condition that said John Barbeau be placed in some soldiers' home outside the State, and that he be not permitted to return to this State.

8.

Name of Prisoner.	County.	Crime.	Sentenced.
Gertrudes Almendares -----	San Diego -----	Murder, first degree -----	July, 1901

DECISION.—Whereas, in the month of July, A. D. 1901, at a regular session of the Superior Court, held in and for the County of San Diego, in said State, Gertrudes Almendares was tried and convicted of the crime of murder in the first degree, and sentenced to death at San Quentin Prison, State aforesaid; that thereafter such proceedings were had that on the first day of August, A. D. 1902, by an order made and given in said Superior Court of the County of San Diego, the Warden of said State Prison at San Quentin was directed to execute the judgment of death on Friday, the 19th day of September, A. D. 1902, between the hours of sunrise and sunset on said day within the walls of said State Prison;

And whereas, it was thereafter represented to me and made to appear that the said Gertrudes Almendares was insane, and upon such representation I appointed two competent physicians to inquire into the matter of said insanity, to wit, Dr. F. W. Hatch, General Superintendent of State Hospitals of this State, and Dr. J. D. Young, Medical Superintendent of the State Hospital at Stockton, State aforesaid;

And whereas, said physicians on the 10th day of September, A. D. 1902, presented to me their written report and findings wherein they find and represent that the said Gertrudes Almendares is now insane, and recommend a commutation of sentence to life imprisonment, which said report is in words and figures following, to wit:

"HON. HENRY T. GAGE, *Governor State of California*:

"DEAR SIR: In accordance with your instructions to inquire into the mental condition of convict Gertrudes Almendares, sentenced to be executed at San Quentin State Prison, we beg to inform you that we have made a careful examination of the condemned and herewith submit our conclusions.

"Examination of Almendares brings to light a depressed injury of the skull, about four inches in length, on the left parietal bone. The injury was received about five years ago in Mexico. The depression of the skull is well marked, and Almendares' story that it resulted from a saber cut is, to some extent, substantiated by the general character of the resulting scar.

"With this highly probable physical basis as a cause of disturbance of the brain, Almendares presents the following symptoms of a diseased mind: He has continually, for over two years, labored under the insane idea that fire was being placed upon him by parties unknown to him but who kept up this form of persecution. His actions in the efforts made to rid himself of the sensation of the application of fire have been consistent with this belief. He has apparently no thought of the death penalty; his only concern being to get away from those who throw fire upon him. He is quarrelsome, has assaulted the Warden, has set fire to his bedding in his cell, and is recognized by the prison authorities as too vicious and dangerous a man with his persecutory beliefs to be placed in a cell with others.

"In our opinion Almendares is insane and a proper subject for Executive clemency.

"We therefore recommend the commutation of his sentence to life imprisonment.

"F. W. HATCH, M.D.

"J. D. YOUNG, M.D."

"Sacramento, Sept. 10, 1902.

And whereas, it appears to me that the said Gertrudes Almendares is now insane, and that the ends of justice will be subserved by commuting the sentence of said Gertrudes Almendares to life imprisonment in accordance with the recommendation of the said physicians;

September 18, 1902, sentence commuted to life imprisonment.

II.

LIST OF PARDONS AND COMMUTATIONS OF SENTENCE FROM COUNTY JAILS.

9.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frank Dunphy..... Thomas Harvey.	Solano	Resisting an officer.....	June, 1901.....	... Six months' imprisonment and \$20 fine.

DECISION.—Whereas, in the the month of June, A. D. 1901, at a regular session of the Superior Court, held in and for the County of Solano, in said State, Frank Dunphy and Thomas Harvey were tried and convicted of the crime of resisting an officer and were respectively condemned to undergo an imprisonment in the county jail of said County of Solano for the term of six months and to pay a fine of twenty dollars;

And whereas, it appears from several petitions of public officers of the County of Solano and of the City of Vallejo that said Frank Dunphy and Thomas Harvey are each young men of good character, and have heretofore sustained an excellent reputation for peace, quietness, truth, honesty, and integrity, and that this is the first offense charged against them, and that said Frank Dunphy is the sole support of a wife and babe, and that said Thomas Harvey has a widowed mother dependent upon him for support, and after an examination of the transcript of the evidence, for the foregoing, among other reasons, it appears that the law has been fully vindicated, and that the circumstances of the case call for the exercise of Executive clemency;

Pardoned August 17, 1901.

10.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Eunice Hobbs.....	Napa	Assault	October, 1901.....	... Six months

DECISION.—Whereas, in the month of October, A. D. 1901, at a regular session of the Superior Court, held in and for the County of Napa, in said State, Eunice Hobbs was tried and convicted of the crime of assault, and sentenced to undergo an imprisonment in the county jail for a term of six months;

And whereas, it appears from the certificates of two reputable physicians that said Eunice Hobbs was, prior to her incarceration, suffering from severe uterine hemorrhage, and that since her incarceration her infirmity has been aggravated, that her

infirmity is devitalizing in the extreme, and that it is impossible, on account of her incarceration, to render her the medical and surgical aid necessary, and that her health is being permanently endangered;

And whereas, it further appears from a petition signed by the Mayor and other officers of the City of Napa, and by several representative citizens of Napa County, that the confinement of said Eunice Hobbs in said jail is seriously endangering her life, and that she is ill and physically unable to undergo the punishment;

And whereas, the crime of which said Eunice Hobbs is convicted is only a misdemeanor, and the law does not intend that punishment endangering the life of a person should be inflicted;

And whereas, it appears that the ends of justice will be promoted by a commutation of said sentence, the said Eunice Hobbs having already been incarcerated for two months, or thereabouts;

December 21, 1901, sentence commuted to expire on December 23, 1901.

II.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Fred H. Scott -----	Alameda -----	Assault with deadly weapon	November, 1901	2 years.

DECISION.—Whereas, in the month of November, A. D. 1901, at a regular session of the Superior Court, held in and for the County of Alameda, in said State, Fred H. Scott was tried and convicted of the crime of assault with a deadly weapon and condemned to undergo an imprisonment in the county jail of Alameda for the term of two years;

And whereas, many applications, signed by numerous representative citizens of Alameda County and elsewhere in this State, have been received by me for the pardon of said Fred H. Scott, wherein it is represented and it clearly appears to me that the facts constituting the crime for which said Fred H. Scott was convicted and sentenced show that the said Scott shot at one Harry Wilson, who had attempted to commit rape upon the sister of said Scott, and the said Wilson had circulated false and scandalous stories concerning the reputation of said Scott's sister;

And whereas, it further appears that the said Fred H. Scott had previously borne an unblemished reputation, and was a peaceful and law-abiding citizen;

And whereas, it is further represented, and it appears from the representations of reputable physicians that the said Scott is suffering from hypertrophy of the left ventricle of the heart, which renders his continued confinement dangerous to life;

And whereas, it appears that the said Scott has been continually confined in the said county jail of Alameda since November 14, 1901, and in my opinion the law has been sufficiently vindicated and the ends of justice will be subserved by his immediate pardon;

Pardoned September 20, 1902.

III.

LIST OF REPRIEVES.

Name of Prisoner.	County.	Crime.	Sentenced.
Thomas P. Owens -----	Sonoma -----	Murder, first de- gree -----	July, 1900

DECISION.—Whereas, in the month of July, A. D. 1900, at a regular session of the Superior Court, held in and for the County of Sonoma, in said State, Thomas P. Owens was tried and convicted of the crime of murder in the first degree, and was thereafter duly sentenced to be hanged in the State Prison of California at San Quentin on the 25th day of October, A. D. 1901;

And whereas, a petition signed by many persons, and several letters from divers persons have been presented to me wherein it is alleged that the said Thomas P. Owens was, at the time of the commission of the crime of which he was convicted, irresponsible and insane, and is still insane;

And whereas, upon the said petition and letters I did appoint Dr. F. W. Hatch, General Superintendent of State Hospitals, to visit the said Thomas P. Owens at the State Prison at San Quentin;

And whereas, the said Dr. F. W. Hatch visited said convict Thomas P. Owens, and on the 15th day of October, 1901, made to me a written report as follows:

"CALIFORNIA STATE PRISON, }
"SAN QUENTIN, Oct. 15, 1901. }

"HON. HENRY T. GAGE, Governor State of California:

"DEAR SIR: In accordance with your instructions to visit and examine into the

mental condition of convict Thomas P. Owens, under sentence of death at the State Prison at San Quentin, I have this day made a careful examination of the said Thomas P. Owens, and beg to report as follows:

"First—That there is sufficient evidence of present insanity to justify a more prolonged investigation than can be had in the limited time intervening between now and the day set for his execution.

"Second—I respectfully request that you grant such reprieve as will enable me to make further investigation before expressing my positive conclusions as to the existing mental condition.

"Respectfully yours,

"F. W. HATCH, M.D.,
"Gen'l Supt. State Hospitals."

And whereas, a doubt having arisen as to the sanity of said Thomas P. Owens, and request having been made by said Dr. F. W. Hatch for a reprieve of sentence, and it appearing to me that a reprieve of sentence for a reasonable time would be consonant with justice in order to allow a full investigation and determination of the prisoner's mental condition:

October 19, 1901, sentence reprieved until December 20, 1901, and subsequently commuted. (See list of Pardons and Commutations, *supra*.)

Name of Prisoner.	County.	Crime.	Sentenced.
Frank R. Donlan.....	Tulare	Murder, first degree.....	.....October, 1900

DECISION.—Whereas, in the month of October, A. D. 1900, at a regular session of the Superior Court, held in and for the County of Tulare, in said State, Frank R. Donlan was tried and convicted of the crime of murder in the first degree, and afterward duly sentenced to be hanged in the State Prison at San Quentin, this State, on April 11, 1902;

And whereas, it has been represented to me by several representative citizens that at the time of the homicide for which said defendant, Frank R. Donlan, has been convicted and sentenced to be executed, the said Frank R. Donlan was insane and irresponsible, and that he is now an insane and irresponsible person;

And whereas, Dr. F. W. Hatch, General Superintendent of State Hospitals, has been appointed by me to investigate the facts connected with said homicide and to make a thorough investigation of the mental condition of said Frank R. Donlan;

March 31, 1902, sentence reprieved until May 9, 1902, and subsequently commuted. (See list of Pardons and Commutations, *supra*.)

Name of Prisoner.	County.	Crime.	Sentenced.
Bert Ross.....	San Luis Obispo.	Murder, first degree.....	.....November, 1901

DECISION.—Whereas, in the month of November, A. D. 1901, at a regular session of the Superior Court, held in and for the County of San Luis Obispo, in said State, Bert Ross was tried and convicted of the crime of murder, and sentenced to be hanged until dead in the State Prison at San Quentin, California, on Friday, January 10, 1902;

And whereas, an appeal has been duly taken by said Bert Ross to the Supreme Court of the United States of America, and a citation to show cause has been issued out of the Circuit Court of the United States, Ninth Circuit, directed to the Warden of the State Prison at San Quentin, requiring him to appear and show cause on January 27, 1902, why the alleged sentence of death should not be reviewed and alleged errors corrected;

And whereas, on January 8, 1902, because of the pendency of said appeal, I reprieved the sentence of said Bert Ross until February 15, 1902;

And whereas, on Friday, February 14, 1902, because of the pendency of said appeal, I again reprieved the sentence of said Bert Ross until May 17, 1902;

And whereas, on Wednesday, May 14, 1902, because of the pendency of said appeal, I again reprieved the sentence of said Bert Ross until August 18, 1902;

And whereas, on Thursday, August 14, 1902, because of the pendency of said appeal, I again reprieved the sentence of said Bert Ross until Monday, November 17, 1902;

And whereas, the said appeal is still pending and undetermined;

And whereas, pending said hearing and determination of the United States Court, it is proper that a further reprieve of the sentence of said Bert Ross should be granted, and to avoid the necessity of having the said defendant, Bert Ross, again brought before the Superior Court of San Luis Obispo County for the purpose of resentence;

November 13, 1902, sentence reprieved until February 16, 1903.

RECESS.

At eleven o'clock and thirty minutes A. M., on motion of Senator Leavitt, the President declared the Senate at recess until one o'clock and fifty-five minutes P. M. this day.

RECONVENED.

At one o'clock and fifty-five minutes P. M. the Senate reconvened.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names :

Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—34.

Quorum present.

RECESS.

At one o'clock and fifty-eight minutes P. M., the President pro tem. declared the Senate at recess for the purpose of meeting with the Assembly in joint convention.

IN JOINT CONVENTION.

ASSEMBLY CHAMBER,
Tuesday, January 6, 1903. }

At two o'clock P. M. the Senate and Assembly met in Joint Convention.

Lieutenant-Governor Jacob H. Neff, President of the Senate, directed the Secretary to call the roll of Senators.

SENATE ROLL CALL.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—39.

Quorum present.

Hon. Arthur G. Fisk, Speaker of the Assembly, directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

ASSEMBLY ROLL CALL.

The roll was called, and the following answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ellis, Finn, Foster, Goodrich, Greer, Grotefend, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeill, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—77.

Quorum present.

REGULAR ORDER OF BUSINESS.

By direction of the President of the Senate, the Secretary of the Senate read sections of the Constitution of the State of California and sections of the Political Code of the State, which provide for the two branches of the Legislature meeting in joint convention for the purpose of canvassing the votes cast for Governor and Lieutenant-Governor, as follows:

Of Article V of the Constitution:

Section 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor.

Section 15. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner, as the Governor, and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy be filled or the disability shall cease. The Lieutenant-Governor shall be disqualified from holding any other office except as specially provided in this Constitution, during the term for which he shall have been elected.

Of the Political Code:

Section 1292. When an election has been held to fill the office of Governor or Lieutenant-Governor, the Clerk of each county, in addition to the abstract made for transmission to the Secretary of State, must as soon as the statement of the vote of his county is made out and entered upon the records of the Boards of Supervisors, make two certified abstracts of so much thereof as relates to the vote given for such officers.

Section 1293. The Clerk must seal up each abstract separately, and indorse thereon "Election Returns for Governor and Lieutenant-Governor."

Section 1294. He must at once direct one copy to the Speaker of the Assembly next to meet, address it to Sacramento, California, and deposit it, postpaid, in the postoffice.

Section 1295. The other copy he must direct and address, in the same manner, and at once deliver it to a member elect of the Legislature, or to a Senator who holds over; and the person to whom it is so directed must deliver it to the Speaker on or before the second day next after his election.

Section 1296. The returns for election for Governor and Lieutenant-Governor must, during the first week of the session, be opened, canvassed, and the result declared by the Speaker of the Assembly, in presence of both houses.

Section 1297. No declaration of the result, commission or certificate must be withheld on account of any defect or informality in the return of any election if it can with reasonable certainty be ascertained from such return what office is intended, and who is elected thereto.

APPOINTMENT OF TELLERS.

The Speaker of the Assembly appointed, on the part of the Assembly, as tellers, Messrs. Foster and Baxter.

The President of the Senate appointed as tellers, on the part of the Senate, Senators Lukens and Sanford.

ANNOUNCEMENT.

The Speaker of the Assembly announced that the election returns from all the counties in the State had been received and were now at the desk.

CANVASS OF RETURNS.

A canvass of the returns was thereupon made, and the tellers reported and announced the vote as follows:

FOR GOVERNOR.

George C. Pardee.....	146,332
Franklin K. Lane.....	143,783
Gideon S. Brower.....	9,592
Theo. D. Kanouse.....	4,636
Scattering.....	130

DECLARATION OF RESULT.

The Speaker of the Assembly thereupon declared the result as certified to by the Secretary of State, and announced by the tellers, to be: Total number of votes cast for Governor, 304,453, and that George C. Pardee was duly elected Governor of the State of California, for the ensuing term, according to the Constitution and the laws of the State of California, he having received the highest number of votes cast for any candidate for said office.

CANVASS OF RETURNS.

FOR LIEUTENANT-GOVERNOR.

Alden Anderson.....	150,039
I. B. Dockweiler.....	129,749
Frank R. Whitney.....	10,541
S. P. Meads.....	4,844
Scattering.....	73

DECLARATION OF RESULT.

The Speaker of the Assembly thereupon declared the result to be: Total number of votes cast for Lieutenant-Governor, 295,246, and that Alden Anderson was duly elected Lieutenant-Governor of the State of California for the ensuing term, according to the Constitution and the laws of California, he having received the highest number of votes cast for any candidate for said office.

RESOLUTION.

Senator Lukens offered the following resolution, and moved its adoption:

Resolved, That the hour of one o'clock p. m. of Wednesday, January 7, 1903, be appointed the time when the Governor and Lieutenant-Governor elect shall take the official oath in the presence of both houses of the Legislature in joint convention assembled, as required in and by Section 905 of the Political Code; that the Joint Committee on Inauguration already appointed be and are hereby directed to inform the Governor and Lieutenant-Governor elect of this action; and that when this Joint Convention adjourns, it adjourn to meet at the hour and place aforesaid.

Resolution read and adopted.

READING AND APPROVAL OF MINUTES.

The minutes of the Joint Convention were then read and approved.

ADJOURNMENT.

At three o'clock and five minutes P. M., the President of the Senate declared the Joint Convention adjourned until one o'clock P. M. of tomorrow, Wednesday, January 7, 1903.

IN SENATE.

REASSEMBLED.

At three o'clock and eight minutes P. M., the Senate reassembled. Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names :

Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—37.

Quorum present.

MOTION.

On motion of Senator Wolfe, the use of the Senate Chamber was tendered Senator Shortridge immediately after the inaugural ceremonies, on Wednesday, January 7, 1903, for the purpose of addressing the Senators and Assemblymen.

SUSPENSION OF RULES.

Senator Sanford moved that the rules be suspended for the purpose of introducing and immediately considering Senate Concurrent Resolution No. 2.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote :

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—39.

NOES—None.

INTRODUCTION AND CONSIDERATION OF CONCURRENT RESOLUTION.

The rules having been suspended, the following concurrent resolution was introduced:

By Senator Sanford—Relative to the death of Hon. J. H. Seawell.

SENATE CONCURRENT RESOLUTION No. 2.

Relative to death of Hon. J. H. Seawell.

Resolved by the Senate of the State of California, the Assembly concurring. That a committee of six, consisting of three Senators and three Assemblymen, be appointed by the President of the Senate and the Speaker of the Assembly, respectively, to prepare and present to the Senate and Assembly for adoption a resolution of respect to the memory of the late Honorable John Henry Seawell of Mendocino County, ex-member of either house.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 2 adopted by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—33.

NOES—None.

Resolution ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEE.

In accordance with Senate Concurrent Resolution No. 2, the President appointed Senators Sanford, Belshaw, and Flint as such committee.

RESOLUTION.

The following resolution was offered by Senator Smith:

Resolved, That a temporary committee of three be appointed on Contingent Expenses and Mileage.

Resolution read, and adopted.

APPOINTMENT OF TEMPORARY COMMITTEE.

In accordance with the above resolution, the President appointed Senators Smith, Hubbell, and Curtin as the temporary Committee on Contingent Expenses and Mileage.

RESOLUTION.

The following resolution was offered by Senator Caldwell:

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the following-named members and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law.

Officers.	Miles.	Am't.
President, Jacob H. Neff	180	\$18 00
Secretary, Frank J. Brandon	280	28 00
Minute Clerk, D. G. Holt, Santa Monica	996	99 60
Sergeant-at-Arms, J. Louis Martin	168	16 80
Dist. Senators.	Address.	Miles. Am't.
22—Bauer, H. A.	San Francisco	180 \$18 00
11—Belshaw, C. M.	Antioch	192 19 20
18—Bunkers, Harry	San Francisco	180 18 00
29—Byrnes, J. D.	San Mateo	222 22 20
39—Caldwell, A. A.	Riverside	1,086 108 60
2—Coggins, Clifford	La Moine	424 42 40
7—Corlett, Robert	Napa	142 14 20
12—Curtin, J. B.	Sonora	200 20 00
13—Devlin, R. T.	Sacramento	2 20
6—Diggs, Marshall	Marysville	104 10 40
32—Emmons, E. J.	Bakersfield	556 55 60
33—Flint, Thomas, Jr.	San Juan	360 36 00
20—French, Frank	San Francisco	180 18 00
35—Greenwell, C. B.	Hueneme	966 96 60
36—Hahn, B. W.	Pasadena	976 97 60
30—Hubbell, O. Z.	Ontario	1,034 103 40
14—Knowland, J. R.	Alameda	172 17 20
5—Lardner, W. B.	Auburn	72 7 20
16—Leavitt, F. W.	Oakland	168 16 80
9—Luchsinger, J. J.	Vallejo	122 12 20
27—Lukens, G. R.	Oakland	168 16 80
15—Muentner, A. E.	Lathrop	116 11 60

Dist.	Senators.	Address.	Miles.	Am't.
25—	Nelson, John N.	San Francisco	180	\$18 00
31—	Oneal, Louis	San José	280	28 00
38—	Pendleton, C. W.	Los Angeles	956	95 60
17—	Plunkett, J. M.	San Francisco	180	18 00
10—	Ralston, W. C.	Melones	185	18 50
26—	Rowell, Chester	Fresno	333	33 80
4—	Sanford, J. B.	Ukiah	420	42 00
34—	Savage, Wm. H.	San Pedro	1,006	100 60
1—	Selvae, T. H.	Eureka	660	66 00
28—	Shortridge, Chas. M.	San José	280	28 00
37—	Smith, Fred M.	Los Angeles	956	95 60
23—	Tyrrell, John G.	San Francisco	180	18 00
3—	Tyrrell, John R.	Grass Valley	140	14 00
40—	Ward, M. L.	San Diego	1,234	123 40
19—	Welch, Rich. J.	San Francisco	180	18 00
24—	Williams, Geo. H.	San Francisco	180	18 00
21—	Wolfe, E. I.	San Francisco	180	18 00
8—	Woodward, E. F.	Santa Rosa	364	34 40

Resolution referred to temporary Committee on Contingent Expenses and Mileage.

ADJOURNMENT.

At three o'clock and twenty minutes P. M., on motion of Senator Belshaw, the Senate adjourned until twelve o'clock and forty minutes P. M. of Wednesday, January 7, 1903.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 7, 1903. }

Pursuant to adjournment, the Senate met at twelve o'clock and forty minutes P. M.

Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selvae, Smith, Tyrrell of San Francisco, Ward, Welch, Wolfe, and Woodward—30.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF JOURNAL.

The Journal of Tuesday, January 6, 1903, was read.

RECESS.

At twelve o'clock and fifty-five minutes P. M., on motion of Senator Leavitt, the Senate took a recess for the purpose of meeting in joint convention with the Assembly, in pursuance of its adjournment on yesterday.

IN JOINT CONVENTION.

ASSEMBLY CHAMBER,
Wednesday, January 7, 1903. }

Pursuant to adjournment on yesterday, the Senate and Assembly of the State of California met in Joint Convention on this day, Wednesday, January 7, 1903, at one o'clock P. M., for the purposes set forth in the following resolution, adopted in Joint Convention on yesterday:

Resolved, That the hour of one o'clock P. M. of Wednesday, January 7, 1903, be appointed the time when the Governor and the Lieutenant-Governor elect shall take the official oath in the presence of both houses of the Legislature, in joint convention assembled, as required in and by Section 905 of the Political Code; that the joint Committee on Inauguration already appointed be and are hereby directed to inform the Governor and Lieutenant-Governor elect of this action; and that when this Joint Convention adjourns, it will adjourn to meet at the hour and place aforesaid.

Hon. Jacob H. Neff, Lieutenant-Governor and President of the Senate, and Hon. Arthur G. Fisk, Speaker of the Assembly, presiding.

The President of the Senate directed the Secretary of the Senate to call the roll of Senators.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selva, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—38.

Quorum present.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Duryea, Ells, Finn, Foster, Goodrich, Greer, Grotefend, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lunley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rolley, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, Wright, and Mr. Speaker—78.

Quorum present.

ORDER OF BUSINESS.

The following was the order of business followed:

1. Call to order by President of the Senate.
2. Roll call of Senate.
3. Roll call of Assembly.
4. Chairman of Joint Committee on Inauguration announces the presence of Governor and Governor-elect.
5. Governor and Governor-elect to proceed to Speaker's desk.
6. Prayer by Chaplain.
7. Administration of oath of office.
8. Music—"Hail to the Chief."
9. Salute.
10. Introduction by Speaker of Assembly of retiring Governor.
11. Address by Governor Pardee.
12. Reading of minutes of Joint Convention by Secretary of Senate.
13. Approval of minutes.
14. Adjournment of Joint Convention.

REPORT OF JOINT COMMITTEE.

Senator Lukens, chairman of the Joint Committee of the Senate and Assembly on Inaugural Ceremonies, appeared at the bar of the House, and announced to the Speaker of the Assembly the presence of His Excellency Governor Henry T. Gage and Hon. George C. Pardee, Governor-elect, and Lieutenant-Governor Jacob H. Neff, and Hon. Alden Anderson, Lieutenant-Governor-elect.

PRAYER.

Prayer by the Chaplain of the Senate, Rev. C. L. Miel.

ADMINISTRATION OF OATH OF OFFICE.

The Hon. W. H. Beatty, Chief Justice of the Supreme Court of the State of California, administered the oath of office to Governor-elect George C. Pardee, as follows:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Governor according to the best of my ability.

PRESENTATION BY RETIRING GOVERNOR.

Retiring Governor Henry T. Gage introduced to the Joint Convention His Excellency George C. Pardee, now Governor of the State of California, who thereupon addressed the convention.

ADMINISTRATION OF OATH TO LIEUTENANT-GOVERNOR.

The Hon. W. H. Beatty, Chief Justice of the Supreme Court of the State of California, administered the oath of office to Lieutenant-Governor-elect, Alden Anderson, as follows:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Lieutenant-Governor according to the best of my ability.

PRESENTATION BY RETIRING LIEUTENANT-GOVERNOR.

Retiring Lieutenant-Governor Hon. Jacob H. Neff introduced to the Joint Convention the Hon. Alden Anderson, now Lieutenant-Governor of the State of California, who thereupon addressed the convention.

READING AND APPROVAL OF MINUTES.

Minutes of the Joint Convention were read and approved.

ADJOURNMENT.

There being no more business, at one o'clock and fifty-five minutes P. M., the President of the Senate adjourned the Joint Convention without day.

IN SENATE.

At two o'clock and ten minutes P. M., the Senate reassembled, Lieutenant-Governor Jacob H. Neff, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchinger, Muentzer, Nelson, Oneal, Pendleton, Plunkett, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Wolfe, and Woodward—32.

Quorum present.

ADDRESS AND INTRODUCTION BY THE RETIRING PRESIDENT.

The retiring Lieutenant-Governor, Hon. Jacob H. Neff, addressed the Senate, thanking the members for the uniform courtesy shown him during his incumbency, and bespoke the same for his successor in office, Hon. Alden Anderson, and thereupon introduced to the Senate its future presiding officer.

At two o'clock and fifteen minutes P. M., Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The President addressed the Senate, and predicted a harmonious and beneficial session, and assured it of an impartial and faithful performance of the duties of his office.

At two o'clock and twenty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

RESOLUTIONS.

The following resolutions were offered :

By Senator Leavitt :

Resolved, That the following named persons be and they are hereby elected to the statutory positions and at the sums per diem set opposite their respective names :

	Per Diem.
F. L. Thomas.....	Assistant Secretary..... \$6 00
I. S. Logan.....	Assistant Secretary..... 6 00
Clark Alberti.....	Assistant Secretary..... 6 00
A. B. Adams.....	Assistant at Desk..... 5 00
Jas. P. Tryce.....	Assistant Sergeant-at-Arms..... 5 00
L. A. Jordan.....	Assistant Sergeant-at-Arms, Finance Committee..... 5 00
F. Rush.....	Assistant Sergeant-at-Arms, Judiciary Committee..... 5 00
Joseph F. Myrick.....	Assistant Sergeant-at-Arms..... 5 00
John Carew.....	Assistant Minute Clerk..... 6 00
Elmer Cottle.....	Assistant Minute Clerk..... 6 00
Seren N. Marsh.....	Assistant Minute Clerk..... 6 00
I. M. King.....	Journal Clerk..... 6 00
T. M. Marois.....	Assistant Journal Clerk..... 5 00
Miss M. Thompson.....	Assistant Journal Clerk..... 5 00
W. R. Porter.....	Engrossing and Enrolling Clerk..... 6 00
Hattie M. Helmer.....	Assistant Enrolling and Engrossing Clerk..... 5 00
Robert Strathearn.....	Assistant Enrolling and Engrossing Clerk..... 5 00
R. E. Cochran.....	Assistant Enrolling and Engrossing Clerk..... 5 00
F. T. Finch.....	Assistant History Clerk..... 5 00
G. Kohlhoff.....	Bill Filer..... 4 00
George C. Cleveland.....	Bill Filer..... 4 00
J. P. Shumway.....	Bill Filer..... 4 00
A. Newell.....	Bill Clerk..... 4 00
Matt J. Riley.....	Bill Clerk..... 4 00
Charles Tuttle.....	Bill Clerk..... 4 00
William Kerr.....	Bill Clerk..... 4 00
Mamie Luchsinger.....	Postmistress..... 4 00
Miss C. Johnson.....	Assistant Postmistress..... 4 00
L. A. Hunt.....	Mail Carrier..... 3 00
J. C. Watson.....	Mail Carrier..... 3 00
Herbert Hahn.....	Page..... 2 50
Frank Eberhardt.....	Page..... 2 50
Ralph D. Knight.....	Gatekeeper..... 3 00
J. T. Negley.....	Gatekeeper..... 3 00
Charles A. Johnson.....	Gatekeeper..... 3 00
T. H. Conboy.....	Doorkeeper..... 3 00
William Powell.....	Gallery Doorkeeper..... 3 00
J. B. Allen.....	Messenger to State Printer..... 3 00
A. McMurray.....	Cloakroom Clerk..... 4 00
C. B. Olmsted.....	Stenographer..... 5 00
Bing Brier.....	Stenographer..... 5 00
Rena Griffin.....	Stenographer..... 5 00
Lillian O'Neill.....	Stenographer..... 5 00
B. M. Poore.....	Stenographer..... 5 00
Lee A. Day.....	Stenographer, Judiciary Committee..... 6 00

	Per Diem
T. Rodgers.....	Porter..... \$3 00
F. Feeley.....	Porter..... 3 00
G. Caffery.....	Porter..... 3 00
Jos. Collins.....	Porter..... 3 00
William Strother.....	Porter..... 3 00
William Gaffney.....	Watchman..... 3 00
John A. Dalton.....	Watchman..... 3 00
C. H. Stewart.....	Watchman..... 3 00
Melice Walsh.....	Press Mailing Clerk..... 4 00
Willie Lardner.....	Press Mailing Clerk..... 4 00
C. H. Brier.....	Clerk Judiciary Committee..... 6 00
D. G. Holt.....	Minute Clerk..... 6 00
Sam Wacholder.....	History Clerk..... 6 00
J. Cal Ewing.....	Bookkeeper to Sergeant-at-Arms..... 5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Sanford, Savage, Selvaige, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, Wolfe, and Woodward—35.

NOES—None.

Also:

Resolved. That the following named persons be and they are hereby elected as employes of the Senate to the positions and at the rate per diem set opposite their respective names:

	Per Diem.
E. Washburn.....	Stenographer..... \$5 00
Lucretia Baisley.....	Stenographer..... 5 00
K. V. Hannon.....	Stenographer..... 5 00
C. B. Olmstead.....	Stenographer..... 5 00
Tessie Crowley.....	Stenographer..... 5 00
Mae Enseninger.....	Stenographer..... 5 00
Martin Madsen.....	Stenographer..... 5 00
George F. McLaughlin.....	Stenographer..... 4 50
B. F. Gray.....	Assistant Sergeant-at-Arms..... 5 00
H. Lorentzon.....	Assistant Sergeant-at-Arms..... 5 00
Roy K. McPhail.....	Assistant Sergeant-at-Arms..... 5 00
E. D. Holly.....	Assistant Sergeant-at-Arms..... 5 00
W. Bowser.....	Assistant Sergeant-at-Arms..... 5 00
G. Kimberley.....	Assistant Sergeant-at-Arms..... 5 00
F. Grimes.....	Assistant Sergeant-at-Arms..... 5 00
Wm. M. Cutter.....	Assistant Sergeant-at-Arms..... 5 00
H. T. Smith.....	Assistant Sergeant-at-Arms..... 5 00
John J. O'Connor.....	Assistant Sergeant-at-Arms..... 5 00
S. E. Redmond.....	Assistant Minute Clerk..... 5 00
Viola Hess.....	Assistant Minute Clerk..... 5 00
Clyde Seavey.....	Assistant Journal Clerk..... 5 00
Wm. F. James.....	Assistant Journal Clerk..... 5 00
M. C. Sloan.....	Assistant Journal Clerk..... 5 00
Chas. Calvin.....	Assistant Enrolling Clerk..... 5 00
Geo. Watson.....	Bill Filer..... 4 00
Robert Sullivan.....	Bill Filer..... 4 00
W. Dodson.....	Bill Filer..... 4 00
R. H. Savage.....	Bill Filer..... 4 00
K. C. Medcraft.....	Bill Filer..... 4 00
J. T. Conley.....	Bill Clerk..... 4 00
W. Lanktree.....	Bill Clerk..... 4 00
B. F. Chretien.....	Bill Clerk..... 4 00
Bruce Huggins.....	Bill Clerk..... 4 00
M. L. Poor.....	Assistant Postmistress..... 4 00
M. Bigelow.....	Assistant Postmistress..... 4 00
M. Obarr.....	Assistant Postmistress..... 4 00
C. A. Spears.....	Mailing Clerk..... 4 00
Miss Mamie Hughes.....	Assistant Postmistress..... 4 00
J. F. Hansen.....	Mailing Clerk..... 4 00
William Siebuhr.....	Mailing Clerk..... 4 00
Miss C. Ayres.....	Document Clerk..... 4 00
J. J. McHugh.....	Document Clerk..... 4 00

	Per Diem.
S. Armor.....	Document Clerk..... \$4 00
Reta Madden.....	Document Clerk..... 4 00
C. Brown.....	Index Clerk..... 4 00
Jean Fitzgerald.....	Index Clerk..... 4 00
K. Sullivan.....	Committee Sergeant-at-Arms..... 4 00
J. H. Kroh.....	Committee Sergeant-at-Arms..... 4 00
Edward Nolan.....	Committee Sergeant-at-Arms..... 4 00
F. McQuaid.....	Committee Sergeant-at-Arms..... 4 00
S. E. Erauw.....	Committee Sergeant-at-Arms..... 4 00
John R. Louttit.....	Committee Sergeant-at-Arms..... 4 00
A. Schumacher.....	Committee Sergeant-at-Arms..... 4 00
E. A. O'Brien.....	Committee Sergeant-at-Arms..... 4 00
F. Savage.....	Committee Sergeant-at-Arms..... 4 00
Romeo Demartini.....	Committee Sergeant-at-Arms..... 4 00
R. E. Smith.....	Committee Sergeant-at-Arms..... 4 00
James Hines.....	Committee Sergeant-at-Arms..... 4 00
C. S. Ewing.....	Committee Sergeant-at-Arms..... 4 00
James Brown.....	Committee Sergeant-at-Arms..... 4 00
Tony Rice.....	Committee Sergeant-at-Arms..... 4 00
A. L. Sprague.....	Gatekeeper..... 3 00
F. F. Kingsbury.....	Gatekeeper..... 3 00
John Falkenstein.....	Gatekeeper..... 3 00
Peter Sevey.....	Gatekeeper..... 3 00
Fred Hall.....	Doorkeeper..... 3 00
William H. Regan.....	Doorkeeper..... 3 00
W. J. Aubrey.....	Doorkeeper..... 3 00
C. E. Gallup.....	Gallery Doorkeeper..... 3 00
William O'Conner.....	Gallery Doorkeeper..... 3 00
Arthur Lee.....	Committee Doorkeeper..... 3 00
J. G. Bisbie.....	Committee Doorkeeper..... 3 00
Harry Baker.....	Committee Doorkeeper..... 3 00
J. W. Howell.....	Committee Doorkeeper..... 3 00
L. Selvage.....	Committee Doorkeeper..... 3 00
D. R. McDonald.....	Committee Doorkeeper..... 3 00
L. Schretz.....	Committee Doorkeeper..... 3 00
F. W. Miller.....	Committee Doorkeeper..... 3 00
James Woods.....	Cloakroom Clerk..... 3 00
Charles Mautalen.....	Usher..... 3 50
Joe Bronner.....	Page..... 2 50
Fred Weiman.....	Assistant Journal Clerk..... 5 00
Lewis V. Hoin.....	Index Clerk..... 4 00
Miss G. Hemme.....	Committee Clerk..... 4 00
J. F. Sidgmore.....	Secretary to President..... 5 00
Ralph H. Schluer.....	Page..... 2 50
Donn J. Shields.....	Page..... 2 50
James Nelson.....	Page..... 2 50
Octavius Walthall.....	Page..... 2 50
Earl Cook.....	Page..... 2 50
J. G. McCall.....	Assistant Sergeant-at-Arms..... 5 00
Geo. J. Cleary.....	Stenographer for Minority..... 5 00
R. I. Barlow.....	Clerk to the Minority..... 5 00
Daniel Love.....	Porter..... 3 00
Charles Metcalf.....	Porter..... 3 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muenster, Nelson, Pendleton, Plunkett, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, Wolfe, and Woodward—32.

NOES—None.

Also:

Resolved, That the following-named persons be and they are hereby elected to the positions of Committee Clerks of the Senate, at the per diem of \$4 each; said Committee Clerks to be assigned to their respective committees by the Secretary of the Senate:

	Per Diem.
A. Williams.....	\$4 00
E. R. Cammert.....	4 00
D. Blodgett.....	4 00
J. J. Dailey.....	4 00

	Per Diem.
A. D. Wagner	\$4 00
M. Welch	4 00
Miss Frances Savage	4 00
W. J. Hosking	4 00
Mrs. Scott	4 00
R. C. Harbison	4 00
A. Valjean	4 00
Mrs. C. E. Muentner	4 00
O. B. Smith	4 00
Annie Nelson	4 00
M. G. Hall	4 00
R. D. Corlett	4 00
A. G. Bowley	4 00
Richard Ryan	4 00
C. O. Busick	4 00
A. A. Millard	4 00
J. Villar	4 00
Emley Kane	4 00
Jos. W. Caldwell	4 00
P. Leddy	4 00
C. R. Stern	4 00
Howard Le Fort	4 00
Lulu M. Luchsinger	4 00
Charles Deto	4 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Wolfe, and Woodward—33.
 NOES—None.

Whereupon the President pro tem. declared each person named in the foregoing resolution duly elected to the office of the Senate set opposite his or her name, respectively.

OATH OF OFFICE.

Each of the officers-elect came forward, took and subscribed to the oath of office, as follows:

I do solemnly swear that I will support the Constitution of the United States of America and the Constitution of the State of California, and that I will faithfully perform the duties of [here his or her office named] to the best of my ability. So help me God.

REPORT OF TEMPORARY COMMITTEE ON CONTINGENT EXPENSES AND MILEAGE.

The following report of the temporary Committee on Contingent Expenses and Mileage was received, and read:

SENATE CHAMBER, SACRAMENTO, January 7, 1903.

MR. PRESIDENT: Your special committee, to whom was referred the following resolution:

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the following-named members and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law:

Officers.	Miles.	Am't.
President, Jacob H. Neff	180	\$18 00
Secretary, Frank J. Brandon	280	28 00
Minute Clerk, D. G. Holt, Santa Monica	996	99 60
Sergeant-at-Arms, J. Louis Martin	168	16 80

Dist.	Senators.	Address.	Miles.	Am't.
22	Bauer, H. A.	San Francisco	180	\$18 00
11	Belshaw, C. M.	Antioch	192	19 20
18	Bunkers, Harry	San Francisco	180	18 00
29	Byrnes, J. D.	San Mateo	222	22 20
39	Caldwell, A. A.	Riverside	1,086	108 60
2	Coggins, Clifford	La Moine	424	42 40
7	Corlett, Robert	Napa	142	14 20
12	Curtin, J. B.	Sonora	200	20 00
13	Devlin, R. T.	Sacramento	2	20
6	Diggs, Marshall	Marysville	104	10 40
32	Emmons, E. J.	Bakersfield	556	55 60
33	Flint, Thomas, Jr.	San Juan	360	36 00
20	French, Frank	San Francisco	180	18 00
35	Greenwell, C. B.	Hueneme	966	96 60
36	Hahn, B. W.	Pasadena	976	97 60
30	Hubbell, O. Z.	Ontario	1,034	103 40
14	Knowland, J. R.	Alameda	172	17 20
5	Lardner, W. B.	Auburn	72	7 20
16	Leavitt, F. W.	Oakland	168	16 80
9	Luchsinger, J. J.	Vallejo	122	12 20
27	Lukens, G. R.	Oakland	168	16 80
15	Muenter, A. E.	Lathrop	116	11 60
25	Nelson, John N.	San Francisco	180	18 00
31	Oneal, Louis	San José	280	28 00
38	Pendleton, C. W.	Los Angeles	956	95 60
17	Plunkett, J. M.	San Francisco	180	18 00
10	Ralston, W. C.	Melones	185	18 50
26	Rowell, Chester	Fresno	338	33 80
4	Sanford, J. B.	Ukiah	420	42 00
34	Savage, Wm. H.	San Pedro	1,006	100 60
1	Selvage, T. H.	Eureka	660	66 00
23	Shortridge, Chas. M.	San José	280	28 00
37	Smith, Fred M.	Los Angeles	956	95 60
23	Tyrrell, John G.	San Francisco	180	18 00
3	Tyrrell, John R.	Grass Valley	140	14 00
40	Ward, M. L.	San Diego	1,234	123 40
19	Welch, Rich J.	San Francisco	180	18 00
24	Williams, Geo. H.	San Francisco	180	18 00
21	Wolfe, E. I.	San Francisco	180	18 00
8	Woodward, E. F.	Santa Rosa	364	34 40

Begs leave to report that we find the following to be entitled to the sums set opposite their respective names:

Dist.	Name.	Miles.	Am't.
22	Bauer, H. A.	180	\$18 00
11	Belshaw, C. M.	192	19 20
18	Bunkers, Harry	180	18 00
29	Byrnes, J. D.	222	22 20
39	Caldwell, A. A.	1,086	108 60
2	Coggins, Clifford	424	42 40
7	Corlett, Robert	142	14 20
12	Curtin, J. B.	200	20 00
13	Devlin, R. T.	2	20
6	Diggs, Marshall	104	10 40
32	Emmons, E. J.	556	55 60
33	Flint, Thomas, Jr.	360	36 00
20	French, Frank	180	18 00
35	Greenwell, C. B.	966	96 60
36	Hahn, B. W.	976	97 60
30	Hubbell, O. Z.	1,034	103 40
14	Knowland, J. R.	172	17 20
5	Lardner, W. B.	72	7 20
16	Leavitt, F. W.	168	16 80
9	Luchsinger, J. J.	122	12 20
27	Lukens, G. R.	168	16 80
15	Muenter, A. E.	116	11 60
25	Nelson, John N.	180	18 00
31	Oneal, Louis	280	28 00
38	Pendleton, C. W.	956	95 60
17	Plunkett, J. M.	180	18 00
10	Ralston, W. C.	185	18 50
26	Rowell, Chester	338	33 80
4	Sanford, J. B.	420	42 00
34	Savage, Wm. H.	1,006	100 60
1	Selvage, T. H.	660	66 00

Dist.	Name.	Miles.	Am't.
28	Shortridge, Charles M.	280	\$28 00
37	Smith, Fred M.	956	95 60
23	Tyrrell, John G.	180	18 00
3	Tyrrell, John R.	140	14 00
40	Ward, M. L.	1,234	123 40
19	Welch, Rich J.	180	18 00
24	Williams, George H.	180	18 00
21	Wolfe, Edward I.	180	18 00
8	Woodward, E. F.	364	36 40

Also:

Hon. Jacob H. Neff, President of the Senate	180	18 00
Frank J. Brandon, Secretary of the Senate	280	28 00
D. G. Holt, Minute Clerk of the Senate	996	99 60
J. Louis Martin, Sergeant-at-Arms of the Senate	108	16 80

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the above-named members and statutory officers of the Senate for the amount set opposite each of their names, and the State Treasurer is ordered and directed to pay the same, being the mileage due each and all of them by law.

SMITH, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—32.

NOES—None.

SUSPENSION OF RULES.

Senator Lukens moved that the rules be suspended for the purpose of introducing a resolution amending the temporary rules of the Senate.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Diggs, Emmons, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—31.

NOES—None.

RESOLUTION.

The rules having been suspended, the following resolution was offered by Senator Lukens:

Resolved, That the following standing committees shall be appointed by the Lieutenant-Governor:

RULE 35.

1. Agriculture and Dairying; seven members.
2. Banking; five members.
3. Code Revision; seven members.
4. Commerce and Navigation; nine members.
5. Commissions, Retrenchment, and Reform; seven members.
6. Contingent Expenses and Mileage; five members.
7. Corporations; thirteen members.
8. Constitutional Amendments; seven members.
9. County Government; nine members.
10. Drainage, Swamp and Overflowed Lands; nine members.
11. Elections and Election Laws; nine members.
12. Education; eleven members.
13. Engrossment and Enrollment; three members.
14. Executive Communications; five members.
15. Federal Relations; three members.
16. Finance; thirteen members.
17. Fish and Game; nine members.
18. Forestry and Water Preservation; nine members.
19. Fruit and Vine Interests; nine members.
20. Hospitals and Asylums; eleven members.

21. Irrigation ; nine members.
22. Judiciary ; nineteen members.
23. Labor and Capital ; nine members.
24. Library ; seven members.
25. Manufactures and Immigration ; nine members.
26. Military Affairs ; five members.
27. Mining ; seven members.
28. Municipal Corporations ; seven members.
29. Printing ; three members.
30. Prisons and Reformatories ; thirteen members.
31. Public Health and Quarantine ; five members.
32. Public Morals ; five members.
33. Roads and Highways ; nine members.
34. Rules ; five members.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—31.

NOES—Senator Oneal—1.

LEAVES OF ABSENCE.

Senator Emmons was, on his own motion, granted a leave of absence until Monday, January 12, 1903.

Senator Curtin was, on motion of Senator Smith, granted a leave of absence until Monday, January 12, 1903.

RESOLUTION.

The following resolution was offered by Senator Hahn:

Resolved, That the Secretary of the Senate be and he is hereby authorized to purchase for the use of the members of the Senate, forty-five copies of Henning's pocket edition of the Constitution of California, and Deering's California Codes and General Laws—latest publications—the same to be paid for out of the Contingent Fund of the Senate. The Controller is directed to draw his warrant in payment of the same in favor of the Secretary of the Senate, and the Treasurer is directed to pay the same.

Resolution referred to temporary Committee on Contingent Expenses and Mileage.

ADJOURNMENT.

At two o'clock and fifty-five minutes P. M., on motion of Senator Belshaw, the Senate adjourned until eleven o'clock A. M. of Thursday, January 8, 1903.

IN SENATE.

SENATE CHAMBER,
Thursday, January 8, 1903. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF JOURNAL.

The Journal of Wednesday, January 7, 1903, was read.

ASSEMBLY MESSAGE.

The following Assembly message was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 8, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 3—Relative to arrangements for inaugural ball.

CLIO LLOYD, Chief Clerk.
By H. S. WANZER, Assistant.

SUSPENSION OF THE RULES.

Senator Leavitt moved that the rules be suspended for the purpose of immediately considering Assembly Concurrent Resolution No. 3.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, and Williams—30.

NOES—None.

CONSIDERATION OF CONCURRENT RESOLUTION.

The rules having been suspended, the Secretary was directed to read Assembly Concurrent Resolution No. 3.

ASSEMBLY CONCURRENT RESOLUTION No. 3.

Resolved by the Assembly, the Senate concurring, That the Secretary of State be requested to place at the disposal of the committees having in charge the inaugural ball and banquet, the various halls, corridors, and unoccupied chambers in and about the State Capitol, from and after the adjournment of the Legislature on Saturday, January 10, 1903, to the hour of ten o'clock A. M., Tuesday, January 13, 1903.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Ward, Williams, and Woodward—27.

NOES—None.

Resolution ordered transmitted to the Assembly.

RESOLUTION.

The following resolution was offered by Senator Pendleton:

Resolved, That the Secretary of State be requested to have the dome of the State Capitol building lighted on the evening of January 12, 1903, and to have the Senate Chamber and Capitol building placed in readiness on the occasion of the inaugural ball, to be held on that evening, and that the sum of five hundred dollars be and is hereby appropriated out of the Contingent Fund of the Senate to pay the expenses thereof.

SUSPENSION OF RULES.

Senator Pendleton moved that the rules be suspended for the purpose of immediately considering the above resolution.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, Flint, Greenwell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—29.

NOES—None.

The rules having been suspended, the above resolution was read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Smith, Ward, Welch, Williams, and Woodward—31.

NOES—None.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up, read, and ordered printed in the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 8, 1903. }

To the Senate of the State of California:

I have the honor to inform you that I have appointed A. B. Nye of Oakland, State of California, my Private Secretary, through whom all communications from this office will be transmitted to your honorable body.

GEO. C. PARDEF,
Governor of the State of California.

SUSPENSION OF RULES.

Senator Welch moved that the rules be suspended for the purpose of introducing and immediately considering Senate Concurrent Resolution No. 3.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Ward, Welch, Williams, and Woodward—36.

NOES—None.

INTRODUCTION OF CONCURRENT RESOLUTION.

The following concurrent resolution was introduced:

By Senator Welch—Relative to death of Hon. Lawrence J. Dwyer.

SENATE CONCURRENT RESOLUTION No. 3.

Relative to death of Hon. Lawrence J. Dwyer.

Resolved by the Senate of the State of California, the Assembly concurring. That a committee of six, consisting of three Senators and three Assemblymen, be appointed by the President of the Senate and the Speaker of the Assembly, respectively, to prepare and present to the Senate and Assembly for adoption a resolution of respect to the memory of the late Honorable Lawrence J. Dwyer of San Francisco, ex-member of either house.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 3 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Greenwell, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Muentzer, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, and Woodward—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEE.

In accordance with Senate Concurrent Resolution No. 3, the President pro tem. appointed Senators Welch, Selvage, and Plunkett as such committee.

RESOLUTIONS.

The following resolutions were offered:

By Senator Hubbell:

Resolved, That one thousand copies of the Inaugural Address of Governor George C. Pardee be ordered printed in pamphlet form, and that ten copies thereof, wrapped for mailing, be laid on the desk of each Senator.

Resolution read and adopted.

By Senator Leavitt:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of seventy-five dollars for rubber stamps, expressage, and postage, the same payable out of the Contingent Fund of the Senate.

Resolution referred to temporary Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the Secretary of the Senate be and he is hereby instructed to procure for the use of the Senate committees such files as are necessary for their work. The Controller is hereby directed to draw his warrant in payment of the same, and the Treasurer is hereby directed to pay same.

Resolution referred to temporary Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the Secretary of the Senate be and he is hereby instructed to rent typewriting machines for the use of the Stenographers of the Senate, and the Controller of State is authorized to draw his warrant for the amount of the rental, and the Treasurer is directed to pay the same.

Resolution referred to temporary Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of fifteen dollars, payable out of the Contingent Fund of the Senate, to be used as a revolving fund for the purchase of stamps, envelopes, and wrappers at the Senate postoffice.

SUSPENSION OF THE RULES.

Senator Leavitt moved that the rules be suspended for the purpose of immediately considering the above resolution relative to revolving fund for Senate postoffice.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, Flint, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—34.

NOES—None.

The rules having been suspended, the resolution was read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Smith, Ward, Williams, and Woodward—29.

NOES—None.

RESOLUTIONS—(RESUMED).

By Senator Leavitt:

Resolved, That the Secretary of State is hereby directed to close the contingent expense accounts of the Senators, and forthwith transmit a statement of the same to the State Controller; and the Controller is hereby directed to draw his warrant in favor of each Senator for the amount remaining in his account, and the Treasurer directed to pay the same.

Resolution read and adopted.

LEAVES OF ABSENCE.

Senator Rowell was, on his own motion, granted leave of absence until Monday, January 12, 1903.

Senator Luchsinger was, on his own motion, granted leave of absence until Monday, January 12, 1903.

Senator Oneal was, on his own motion, granted leave of absence until Monday, January 12, 1903.

Senator Tyrrell of San Francisco was, on his own motion, granted leave of absence until Monday, January 12, 1903.

Senator Lardner was, on his own motion, granted leave of absence until Monday, January 12, 1903.

Senator Leavitt was, on his own motion, granted leave of absence until Monday, January 12, 1903.

Senator Coggins was, on his own motion, granted leave of absence until Monday, January 12, 1903.

Senator Corlett was, on his own motion, granted leave of absence until Monday, January 12, 1903.

Senator Caldwell was, on his own motion, granted leave of absence until Monday, January 12, 1903.

Senator Muentner was, on his own motion, granted leave of absence until Monday, January 12, 1903.

Senator Plunkett was, on his own motion, granted leave of absence until Monday, January 12, 1903.

Senator Knowland was, on his own motion, granted leave of absence until Monday, January 12, 1903.

Senator Hubbell was, on his own motion, granted leave of absence until Monday, January 12, 1903.

Senator Nelson was, on his own motion, granted leave of absence until Monday, January 12, 1903.

Senator Flint was, on his own motion, granted leave of absence until Monday, January 12, 1903.

Senator Woodward was, on his own motion, granted leave of absence until Monday, January 12, 1903.

RESOLUTION.

The following resolution was offered:

By Senator Lukens:

Resolved, That the following-named persons be and they are hereby elected as employes of the Senate to the positions and at the rate per diem set opposite their respective names:

W. H. Dickerson, Bill Filer.....	\$4 00
C. C. De Lancy, Committee Sergeant-at-Arms.....	4 00
R. Krepper, Clerk.....	3 00
Mrs. C. R. Olney, Document Clerk.....	4 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—30.

NOES—None.

ADJOURNMENT.

At eleven o'clock A. M., on motion of Senator Belshaw, the Senate adjourned until eleven o'clock A. M. of Saturday, January 10, 1903.

IN SENATE.

SENATE CHAMBER,
Saturday, January 10, 1903. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Caldwell, Coggins, Devlin, Hahn, Hubbell, Sanford, Savage, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—14.

ADJOURNMENT.

The roll having been called, and it appearing that no quorum was present, on motion of Senator Belshaw the President declared the Senate adjourned until Sunday, January 11, 1903.

IN SENATE.

SENATE CHAMBER,
Sunday, January 11, 1903. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Diggs, Hubbell, Knowland, Ralston, Sanford, Smith, Ward, and Woodward—9.

ADJOURNMENT.

At eleven o'clock and five minutes A. M., it appearing by the roll call that no quorum was present, on motion of Senator Belshaw the President declared the Senate adjourned until Monday, January 12, 1903.

IN SENATE.

SENATE CHAMBER,
Monday, January 12, 1903. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muenster, Nelson, Pendleton, Ralston, Savage, Selvage, Smith, Tyrrell of Nevada, Ward, Williams, and Woodward—24.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF JOURNALS.

The Journals of Saturday, January 10, and Sunday, January 11, 1903, were read.

LEAVE OF ABSENCE.

Senator Emmons was, on motion of Senator Luchsinger, granted a leave of absence for this day.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was received and read, and referred to the Committee on Executive Communications and Nominations:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, January 12, 1903. }

To the Senate of the State of California:

I hereby nominate Dr. Matthew Gardner to be a member of the State Board of Health, vice Dr. W. B. Coffey, resigned, and respectfully ask your consent to, and concurrence in, the same.

GEO. C. PARDEE,
Governor State of California.

ADJOURNMENT.

At eleven o'clock and ten minutes A. M., on motion of Senator Leavitt, the Senate adjourned until eleven o'clock A. M. of Tuesday, January 13, 1903.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 13, 1903. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M. Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luch-singer, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Sanford, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF JOURNAL.

The Journal of Monday, January 12, 1903, was read.

APPROVAL OF JOURNALS.

The Journals of Monday, January 5th, Tuesday, January 6th, Wednesday, January 7th, Thursday, January 8th, Saturday, January 10th, and Sunday, January 11, 1903, having previously been read and corrected, were approved.

PETITION.

Senator Flint presented the following petition, which was ordered printed in the Journal:

PETITION FOR A SUNDAY LAW.

To the Honorable the Senate and the Assembly of the State of California:

We, the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest, by prohibiting with adequate penalties all unnecessary labor and business, Seventh-Day worshippers excepted, and all barbarous, unseemly, or noisy amusements.

The above was indorsed by vote by a meeting of the Presbyterian Church, in the town of Monterey, State of California, on January 8, 1903, and the undersigned were authorized to so attest.

W. G. TROWER, Presiding.

(Signed:) J. W. Bryant, A. Partridge, A. S. Van Hesen, I. M. McHenry, W. H. Morey, R. Van Hesen, S. E. Dillow, Helen B. Campbell, and 58 others.

Also:

The above was indorsed by vote by a meeting of church congregations in the town of Hollister, State of California, on December 14, 1902, and the undersigned were authorized to so attest:

(Signed:) M. E. Van Hesen, M. E. Hawn, John Elliott, Mrs. John Elliott, A. J. Edwards, J. S. Batdorf, C. C. Wright, E. C. Skow, E. Skow, and many others.

RESOLUTIONS.

The following resolutions were offered:

By Senator Leavitt:

Resolved, That the following-named persons be allowed the sums set opposite their names, respectively, for services rendered this Senate during its organization, the same being payable out of the Contingent Fund of the Senate:

George Byron, Assistant at Desk, 4 days	\$24 00
I. S. Logan, Assistant at Desk, 2 days	12 00
C. S. MacMullen, Assistant at Desk, 4 days	24 00
Louis U. Hoin, Messenger, 3 days	9 00
J. E. Atkinson, Messenger, 4 days	12 00
John Carew, Assistant Minute Clerk, 2 days	12 00
Al. Dillon, Mail Messenger, 3 days	9 00
J. P. Frazier, Porter, 3 days	9 00
L. C. Robinson, Porter, 3 days	9 00
Frank Rogers, Porter, 3 days	9 00
L. T. Jacobs, Porter, 3 days	9 00
W. H. Frazier, Porter, 5 days	15 00
J. C. Carter, Porter, 5 days	15 00
J. G. McCall, Assistant Sergeant-at-Arms, 5 days	25 00
J. T. Cullen, 1 day	3 00

The Controller is hereby directed to draw his warrants in favor of the above-named persons for the sums set opposite their names, and the Treasurer to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Tyrrell of Nevada:

Resolved, That the Sergeant-at-Arms of the Senate be and is hereby instructed to procure, for the use of the Senate, two dozen chairs, at a cost not to exceed four dollars (\$4.00) apiece; and the State Controller is hereby directed to draw his warrant to pay for the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

REPORT OF INVESTIGATION COMMITTEE.

Senator Wolfe presented the report of the committee on investigation of the feasibility of the establishment of a tuberculosis institute, heretofore appointed, and on his motion said report was ordered printed in the Journal.

SACRAMENTO, CAL., January 10, 1903.

To the Senate of the State of California:

GENTLEMEN: Your special committee appointed by the Senate at the last biennial session, to whom was referred the following:

"WHEREAS, It is conceded by the best medical authorities that consumption is an infectious disease and dangerous to the public health; and

"WHEREAS, Nearly all the counties in California have thrust upon them the care of indigents from other States afflicted with tuberculosis, who at once become a public charge; and

"WHEREAS, This problem is one whose seriousness should, if possible, be checked; therefore, be it

Resolved, That a committee of three members of this Senate, all of them hold-over Senators, be appointed by the President of the Senate to investigate this subject in its various phases, to recommend a site for an institution, and to report their findings at the next regular biennial session of this body, with a view of having established, if the same be considered practicable, such a State institution for the care of all indigents affected with tuberculosis who are now, or may hereafter become, a public charge, so that they may be segregated and properly cared for at the expense of the State.

Resolved further, That the said committee shall be allowed actual expenses out of the Contingent Fund of the Senate not to exceed the sum of \$250."

begs leave to report:

Your committee as selected consisted of Senators E. I. Wolfe, of San Francisco, Fred M. Smith, of Los Angeles, and J. M. Plunkett, of San Francisco, organized in Los Angeles April 21, 1901, with the selection of Senator E. I. Wolfe, of San Francisco, as chairman, and of Albert Searl, of Los Angeles, as clerk.

It was determined to make an exhaustive and thorough investigation of the subject in hand, because of its importance, and the clerk was instructed to correspond with medical and other authorities, in California and elsewhere, in order to obtain information upon the following:

1. Is consumption, as such, infectious or contagious?
2. How many, if any, patients, inmates of the particular public institutions, were, at the time of correspondence, afflicted with tuberculosis?
3. Were they at the same time a charge upon the city, city and county, or State?
4. What was the cost of such patients per capita?
5. How many such patients, if any, are discharged as cured?
6. Should such patients be supported by the State in an institution especially set apart for this purpose, or is it best for any reason whatsoever that a system of local maintenance be maintained or continued?

In correspondence sent within the State it was asked:

7. How many such patients are natives of California, and what percentage came from other States?

Your committee entered into correspondence covering the above interrogatories, with each of the several county boards of health in the State; also the State Board of Health, medical authorities of expert reputation in the particulars subject referred to, in California and elsewhere, the State Board of Charities in New York, Massachusetts, Pennsylvania, Colorado, Minnesota, and other States that have in consideration the treatment of this subject, or where the problem involved is already solved in whole or in part.

Something less than one thousand letters were sent out by your committee, and the total replies from county boards of health in the State of California prove the number of indigent consumptives who at present are a public charge to be about one hundred and fifty, and the figure probably will not be less at any time in the future.

Per capita cost of such patients varies from \$10.60 per month to nearly \$1 per day.

None of such patients are discharged as cured, and most, if not all, are reported to be residents outside the state who had been in California, but a short time, and came here for the express purpose of bettering their physical environment.

All letters at hand are unanimous in the statement that consumption, as such, is both infectious and contagious, and it is universally declared that patients such as referred to should be supported by the State in an institution especially set apart for this purpose, rather than that the present system of local maintenance be continued.

Your committee finds that in the State of New York a State hospital is maintained for the treatment of incipient pulmonary tuberculosis. Such an institution was authorized a few years ago, and its location is in the Adirondack forest. The treatment of consumption is being given especial attention in New York at present, and report is made to your committee that the various steps being taken for its cure will be productive of good and lasting results.

Your committee finds that in the State of Colorado private maintenance only is accorded in the treatment of the subject in hand, although there is increasing agitation for the State to solve the problem.

Massachusetts maintains a State sanitarium at Rutland and in 1901 the appropriation of public funds to carry on the work embodied in this report aggregated \$110,000. The expense per patient during the year was \$9.47 per week. Only incipient cases of tuberculosis are admitted. The appropriation for maintenance in 1901 aggregated \$75,000. The number of patients September 30, 1900, was 82 male and 94 female. There was admitted within the year a total of 399, and the number of discharged who were cured in the year was 402. The number of deaths was two. The daily average of patients was 168. Of the patients discharged 82 were men and 85 were women, a total of about sixty-seven per cent of all those admitted.

Average stay of 147 cases in the Massachusetts State sanitarium was six and one half months for each patient. The number of those who stayed more than one year was 16.

Wages of attendants in the Massachusetts State sanitarium average from \$2,500 a year for examining and visiting physicians, to \$15 a month for farm help.

New York maintains a public hospital on Blackwell's Island, under jurisdiction of its Department of Charities. This institution was opened February 1, 1902, and accommodations for tubercular patients are for 190 males and 100 females. Only incipient or moderately advanced cases are admitted. A similar institution is located at Seton, New York State.

In addition, the State of New York maintains, in whole or in part, several institutions devoted to the cure or arrest of this disease. All of the hospitals last named are under the jurisdiction of municipalities, the State contributing in their maintenance.

Included in the correspondence to your committee are letters from the City and County Almshouse and the City and County Hospital of San Francisco. In the institution last named there were, on April 28, 1902, forty cases of tuberculosis. The cost per capita is about 69 cents per day. Similar cases from July 1, 1901, to April 28, 1902, were 241. Of this number, 105 died. Residents of other States included 69, and 124 were of foreign birth.

Notwithstanding the facts as outlined, all of which were duly considered and properly weighed, your committee, in a meeting held in Los Angeles, December 13th, decided that it would be unwise for the State to maintain an institution such as that outlined in the resolution adopted by the Senate March 17, 1901.

It has occurred to this committee that such a hospital might result in drawing to the State of California scores of persons whose coming could not but prove disadvantageously. Your committee recognizes that while the idea embodied in the resolution referred to was prompted by humanitarian motives, such a hospital as proposed must of necessity advertise California in a manner that would not be considered desirable;

and while such an institution would relieve the several counties from something of a burdensome problem, the benefits that might accrue would be more than overshadowed in the general harm to the State as a whole, were the present system of local responsibility to be changed.

In this connection your committee, while recommending that there be no action looking toward the establishment of a State institution for indigent consumptives, calls attention to the following, adopted by the American Congress of Tuberculosis, that met in New York June 4, 1902:

"WHEREAS, Tuberculosis is an infectious disease ordinarily communicated from person to person by means of dried sputa of a consumptive patient; and

"WHEREAS, The spread of tuberculosis could be largely controlled by the enforcement of comparatively simple measures; therefore, be it

"Resolved by the American Congress of Tuberculosis, That the health authorities be urged to disseminate to the widest extent possible correct information as to the manner in which this disease is produced, and the means to be employed for its prevention.

"Resolved, That we believe it to be the duty of the National, State, and Municipal governments to enact rational methods for the prevention of tuberculosis. * * *

"Resolved, That there should be State and Municipal supervision of all public conveyances for the transportation of passengers. * * *

"Resolved, That all cases of tuberculosis should be reported by the attending physician to proper authorities for the purpose of disinfection of premises occupied by consumptives."

In conjunction with the above resolutions, your committee recommends that proper legislation be enacted to the end that the spread of tuberculosis be minimized. And it is urged further that the State and County Boards of Health make such rules and regulations tending to minimize this danger.

Your committee recommends that five hundred copies of this report be printed and circulated, and that copies be sent to the State and the several County Boards of Health, and that this report be printed in the Senate Journal.

Respectfully submitted.

WOLFE, Chairman.
PLUNKETT.
SMITH.

INTRODUCTION OF BILL—(OUT OF ORDER).

Senator Lukens asked for and was granted unanimous consent to introduce a bill out of order.

By Senator Lukens: Senate Bill No. 1—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-fifth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read first time.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Lukens:

Resolved, That Senate Bill No. 1 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Pendleton, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Ward, Welch, Williams, Wolfe, and Woodward—34.

NOES—None.

CONSIDERATION OF SENATE BILL NO. 1.

Senate Bill No. 1—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-fifth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 1 passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Ward, Welch, Williams, Wolfe, and Woodward—32.

NOES—None.

Title read and approved.

Senate Bill No. 1 ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That each member of the Senate be and he is hereby allowed \$25 for contingent expenses, as provided by the Constitution, payable out of the appropriation for the contingent expenses of the Senate.

Resolution read.

SUSPENSION OF RULES.

Senator Belshaw moved that the rules be suspended for the purpose of immediately considering the above resolution.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Muentner, Nelson, Plunkett, Ralston, Sanford, Savage, Shortridge, Smith, Ward, Welch, Williams, Wolfe, and Woodward—31.

NOES—None.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Muentner, Nelson, Plunkett, Ralston, Sanford, Savage, Shortridge, Smith, Ward, Welch, Williams, Wolfe, and Woodward—31.

NOES—None.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Wolfe:

Resolved, That the State Controller be and he is hereby ordered to draw his warrant on the Contingent Fund of the Senate in the sum of \$250 in favor of E. I. Wolfe, in payment of bills, as attached, incurred by the special Committee on Tuberculosis, authorized by Senate resolution, March 17, 1901, in the last biennial session; and the State Treasurer is directed to pay said warrant.

J. M. Plunkett, expenses San Francisco to Los Angeles and return	\$50 00
E. I. Wolfe, expenses San Francisco to Los Angeles and return	60 00
Postage	40 00
Telephone, telegraph service, etc.	35 00
Clerk hire and incidentals	75 00

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

RECESS.

At eleven o'clock and thirty minutes A. M., on motion of Senator Leavitt, a recess was declared until eleven o'clock and fifty-five minutes A. M. of this day.

RECONVENED.

At eleven o'clock and fifty-five minutes A. M. the Senate reconvened. Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

EXPLANATION OF ABSENCE.

The following telegram was read by the President of the Senate, and was, on motion of Senator Hubbell, ordered printed in the Journal:

LATHROP, CAL., January 13, 1903.

To Secretary FRANK BRANDON, Senate Chamber, Sacramento:

Broken engine and delayed train have stranded me at Lathrop. My vote for Perkins. Sorry it can not be recorded.

SENATOR ROWELL.

RESOLUTION.

At twelve o'clock M., the following resolution was offered by Senator Leavitt:

WHEREAS, The term of the Hon. George C. Perkins, United States Senator in Congress from the State of California, elected on the 13th day of January, A. D. 1897, will expire on the 4th day of March, A. D. 1903; and

WHEREAS, His successor, whose term shall commence on the said 4th day of March, 1903, must now be chosen in the manner required by law; therefore, be it

Resolved, That the Senate do now proceed to nominate, by viva voce vote of each member present, a person for Senator in Congress from the State of California for the term of six years, commencing the 4th day of March, 1903, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 5, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the first day of December, 1873," approved January 2, 1874.

Resolution read and adopted.

The Secretary of the Senate, by direction of the President, then read the following Act of Congress:

Title II, Chapter I, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the first day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who received a majority of the whole number of votes cast in each house shall be entered on the Journal of that house by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in Joint Assembly, and the Journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each house, or if either house has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by viva voce vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

Sec. 15. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

Sec. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

Sec. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

Sec. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

NOMINATIONS FOR UNITED STATES SENATOR.

The President declared that nominations were now in order for the office of United States Senator for the term of six years, commencing on March 4, 1903, to succeed the Hon. George C. Perkins, whose term of office will expire on the date already mentioned.

Hon. George C. Perkins of Alameda County was placed in nomination by Senator Lukens.

Hon. Franklin K. Lane of San Francisco was placed in nomination by Senator Sanford.

Hon. Eugene E. Schmitz of San Francisco was placed in nomination by Senator Bunkers.

Senator Lardner seconded the nomination of Hon. George C. Perkins.

Senator Emmons seconded the nomination of Hon. Franklin K. Lane.

Senator Bauer seconded the nomination of Hon. George C. Perkins.

Senator Ralston seconded the nomination of Hon. George C. Perkins.

Senator Luchsinger seconded the nomination of Hon. George C. Perkins.

Senator Lukens moved that nominations be closed, and that the roll call for the election of United States Senator be proceeded with.

Motion carried.

Whereupon, the President declared nominations closed, and directed the Secretary to call the roll of the Senate, and that, in accordance with the provisions of the Act of Congress just read, each Senator announce the name of the person for whom he votes, as his name is called.

The roll was thereupon called, with the following result:

For *George C. Perkins*—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Devlin, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—33.

For *Franklin K. Lane*—Senators Curtin, Diggs, Emmons, Plunkett, and Sanford—5.

For *Eugene E. Schmitz*—Senator Bunkers—1.

Whole number of votes cast.....	39
Necessary to a choice.....	20
George C. Perkins received.....	33 votes.
Franklin K. Lane received.....	5 votes.
Eugene E. Schmitz received.....	1 vote.

Whereupon, the President announced that Hon. George C. Perkins had received a majority of all the votes cast for United States Senator, and declared him the choice of the Senate for the term of six years, commencing with March 4, 1903, to succeed himself in that office, and directed that the fact be entered in the Journal.

RESOLUTION.

The following resolution was offered:

By Senator Pendleton:

Resolved, That the Secretary forthwith inform the Assembly of the vote for United States Senator in this Senate, and that the Senate will meet with the Assembly in the Assembly Chamber to-morrow, Wednesday, January 14, 1903, at twelve o'clock meridian, in Joint Assembly, for the purpose of electing, or declaring the election of, a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the 1st day of December, Anno Domini 1873," approved January 22, 1874.

Resolution read and adopted.

INTRODUCTION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to introduce a joint resolution.

By Senator Belshaw: Senate Joint Resolution No. 1—Relative to House Resolution No. 14,898, of the Fifty-seventh Congress.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the consideration of Senate Joint Resolution No. 1 was made the special order for Wednesday, January 14, 1903, immediately after the reading of the Journal.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Leavitt:

Resolved, That the Sergeant-at-Arms provide the Press Mailing Clerks with \$40 worth of postage stamps, the same payable out of the fund for contingent expenses of the Senate, and the Controller is hereby directed to draw his warrant for the said sum of \$40, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the Lieutenant-Governor, Hon. Alden Anderson, be and he is hereby allowed twenty-five dollars (\$25.00) for contingent expenses as allowed to members of the Senate, payable out of the appropriation for the contingent expenses of the Senate. The Controller is hereby directed to draw his warrant for and the Treasurer to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the Controller be and he is hereby directed to deliver to the Sergeant-at-Arms, or his bookkeeper, all the warrants of the members of the Senate and the officers and attachés thereof, taking his receipt therefor.

Resolution read and adopted.

RECESS.

At twelve o'clock and fifty minutes P. M., on motion of Senator Pendleton, the President declared the Senate at recess until two o'clock and thirty minutes P. M. of this day.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

APPOINTMENT OF STANDING COMMITTEES.

The President announced that he had appointed the Senate standing committees, as follows:

SENATE STANDING COMMITTEES.

1. Agriculture and Dairying—Senators Byrnes (chairman), Luchsinger, Flint, Rowell, Greenwell, Woodward, and Diggs.
2. Banking—Senators Knowland (chairman), Woodward, Hubbell, Hahn, and Plunkett.
3. Code Revision—Senators Selvage (chairman), Devlin, Oneal, Pendleton, Tyrrell of Nevada, Bauer, and Emmons.
4. Commerce and Navigation—Senators Welch (chairman), Shortridge, Knowland, French, Williams, Byrnes, Ward, Bunkers, and Plunkett.
5. Commissions, Retrenchment, and Reform—Senators Smith (chairman), Belshaw, Caldwell, Corlett, Greenwell, Lukens, and Bunkers.
6. Contingent Expenses and Mileage—Senators Flint (chairman), Wolfe, Belshaw, Tyrrell of San Francisco, and Bunkers.
7. Corporations—Senators Oneal (chairman), Selvage, Wolfe, Leavitt, Shortridge, Pendleton, Muentner, Welch, Hahn, Flint, Lukens, Curtin, and Plunkett.
8. Constitutional Amendments—Senators Ward (chairman), Caldwell, Hubbell, Bauer, Woodward, Emmons, and Curtin.
9. County Government—Senators Woodward (chairman), Rowell, Shortridge, Devlin, Oneal, Ralston, Knowland, Savage, and Curtin.
10. Drainage, Swamp and Overflowed Lands—Senators Luchsinger (chairman), Devlin, Muentner, Tyrrell of Nevada, Welch, Savage, Ward, Sanford, and Diggs.
11. Elections and Election Laws—Senators Belshaw (chairman), Devlin, Selvage, Rowell, Lukens, Nelson, Hahn, Sanford, and Plunkett.
12. Education—Senators Rowell (chairman), Flint, Lukens, Leavitt, Ward, Hahn, Coggins, Woodward, Bauer, Curtin, and Sanford.
13. Engrössment and Enrollment—Senators Hubbell (chairman), Welch, and Emmons.
14. Executive Communications—Senators Leavitt (chairman), Muentner, Welch, Hahn, and Plunkett.
15. Federal Relations—Senators Hahn (chairman), Corlett, and Emmons.
16. Finance—Senators Devlin (chairman), Rowell, Belshaw, Leavitt, Luchsinger, Selvage, Flint, Wolfe, Oneal, Muentner, Nelson, Curtin, and Sanford.
17. Fish and Game—Senators Coggins (chairman), Selvage, Shortridge, Flint, Ralston, Tyrrell, Pendleton, Bauer, and Emmons.
18. Forestry and Water Preservation—Senators Wolfe (chairman), Pendleton, Byrnes, Lardner, Coggins, Ralston, Tyrrell of San Francisco, Diggs, and Plunkett.
19. Fruit and Vine Interests—Senators Greenwell (chairman), Oneal, Corlett, Byrnes, Tyrrell of San Francisco, Rowell, Flint, Ralston, and Diggs.
20. Hospitals and Asylums—Senators Muentner (chairman), Pendleton, Rowell, Corlett, Shortridge, Smith, Selvage, Coggins, French, Curtin, and Sanford.
21. Irrigation—Senators Caldwell (chairman), Ward, Rowell, Hubbell, Smith, Greenwell, Tyrrell of Nevada, and Diggs.
22. Judiciary—Senators Lukens (chairman), Selvage, Wolfe, Devlin, Shortridge, Oneal, Pendleton, Caldwell, Ward, Lardner, Muentner, Savage, Hubbell, Bauer, Tyrrell of Nevada, Hahn, Curtin, Emmons, and Knowland.
23. Labor and Capital—Senators French (chairman), Luchsinger, Wolfe, Byrnes, Nelson, Caldwell, Smith, Sanford, and Bunkers.
24. Library—Senators Shortridge (chairman), Knowland, Lukens, Woodward, Welch, Nelson, and Emmons.
25. Manufactures and Immigration—Senators Corlett (chairman), Belshaw, Williams, Tyrrell of San Francisco, French, Hahn, Sanford, Plunkett, and Bunkers.
26. Military Affairs—Senators Williams (chairman), Tyrrell of Nevada, Savage, French, and Bunkers.
27. Mining—Senators Ralston (chairman), Tyrrell of Nevada, Belshaw, Lardner, Coggins, Hubbell, and Curtin.
28. Municipal Corporations—Senators Savage (chairman), Tyrrell of Nevada, Devlin, Wolfe, Knowland, Greenwell, and Diggs.
29. Printing—Senators Nelson (chairman), Leavitt, and Coggins.
30. Prisons and Reformatories—Senators Tyrrell of Nevada (chairman), Luchsinger, Leavitt, Muentner, Lardner, Nelson, Knowland, Savage, Ward, Williams, Bauer, Diggs, and Bunkers.

31. Public Health and Quarantine—Senators Bauer (chairman), Lardner, Smith Tyrrell of San Francisco, and Knowland.

32. Public Morals—Senators Tyrrell of San Francisco (chairman), Leavitt, Oneal, Diggs, and Curtin.

33. Roads and Highways—Senators Lardner (chairman), Luchsinger, Ralston, Caldwell, Greenwell, Smith, Selvage, Byrnes, and Curtin.

34. Rules—Senators Pendleton (chairman), Flint, Oneal, Nelson, and Emmons.

ADJOURNMENT.

At two o'clock and forty-five minutes P. M., on motion of Senator Wolfe, the Senate adjourned until eleven o'clock A. M. of Wednesday, January 14, 1903.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 14, 1903. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF JOURNAL.

The Journal of Tuesday, January 13, 1903, was read.

APPROVAL OF JOURNAL.

The Journal of Monday, January 12, 1903, having been previously read and corrected, was approved.

SPECIAL ORDER.

The consideration of Senate Joint Resolution No. 1 having been set as a special order for this hour, the same was taken up and read.

SENATE JOINT RESOLUTION NO. 1.

WHEREAS, A bill introduced in the first session of the Fifty-seventh Congress, known as House Resolution 14,898, entitled "An Act relating to jurisdiction on appeals in the Court of Appeals of the District of Columbia, and transcripts on appeal in said court, and to quiet title to public lands," did on the 17th day of June, 1902, pass the House of Representatives, and was referred to the Judiciary Committee of the Senate of the United States; and

WHEREAS, Such bill, in our judgment, if enacted into law, would become a menace to the mineral industry of our State, particularly to the petroleum mining industry; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That our Congressmen be requested and our Senators instructed to use all honorable means to prevent the passage of said bill.

Resolved, That the Secretary of the Senate be and he is hereby instructed to transmit a copy of this resolution, by telegraph, to our Senators and Representatives in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—38.

NOES—None.

Resolution ordered immediately transmitted to the Assembly.

INTRODUCTION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Hubbell asked for and was granted unanimous consent to introduce a Senate Joint Resolution.

The following resolution was introduced:

By Senator Hubbell: Senate Joint Resolution No. 2—Relative to Tioga Road.

SUSPENSION OF RULES.

Senator Hubbell moved that the rules be suspended for the purpose of immediately considering Senate Joint Resolution No. 2.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Hahn, Hubbell, Knowland, Lardner, Lukens, Muentner, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Ward, Welch, Williams, Wolfe, and Woodward—28.

NOES—None.

CONSIDERATION OF SENATE JOINT RESOLUTION No. 2.

The rules having been suspended, the Secretary was directed to read Senate Joint Resolution No. 2.

During the reading of the resolution, the following amendment was offered:

By Senator Hubbell:

Amend by striking out the word "Yellowstone" wherever it occurs in Senate Joint Resolution No. 2, and inserting the following: "Yosemite."

Amendment adopted.

Senate Joint Resolution No. 2 ordered to print.

SPECIAL ORDER SET.

On motion of Senator Hubbell, the consideration of Senate Joint Resolution No. 2 was made the special order for Thursday, January 15, 1903, immediately after the reading of the Journal.

INTRODUCTION OF JOINT RESOLUTION.

Senator Sanford asked, and was granted, unanimous consent to introduce a joint resolution:

By Senator Sanford: Senate Joint Resolution No. 3—Relative to Omnibus Statehood Bill, now pending in Congress.

Resolution referred to Committee on Federal Relations.

SPECIAL ORDER SET.

On motion of Senator Sanford, the consideration of Senate Joint Resolution No. 3 was made the special order for Thursday, January 15, 1903, immediately after the reading of the Journal, following the other special order already set for that hour.

ANNOUNCEMENT.

The President announced that he had received the papers in the contested election case of Hubbard vs. Coggins.

Senator Ralston moved that the case be referred to a special committee of five.

Motion carried.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 8, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 2—Relative to death of the Hon. J. H. Seawell, ex-member of either house—and that the Speaker, in accordance therewith, appointed Messrs. Dunlap, John, and Snyder as a committee.

Also: Adopted Senate Concurrent Resolution No. 3—Relative to the death of Hon. Lawrence J. Dwyer—and that the Speaker, in accordance therewith, appointed Messrs. Amerige, John, and Siskron as a committee.

CLIO LLOYD, Chief Clerk.
By L. A. HILBORN, Assistant.

Senate Concurrent Resolutions Nos. 2 and 3 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 1—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-fifth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

CLIO LLOYD, Chief Clerk.
By J. P. GUELLY, Assistant.

Senate Bill No. 1 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 13, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following resolution, by Mr. Johnson:

That a message be sent to the Senate informing the Senate of the vote for United States Senator in this House taken this day, requesting the Senate to inform this House of the vote for United States Senator taken in the Senate, and informing the Senate that the Assembly will meet with the Senate in the Assembly Chamber to-morrow, Wednesday, January 14, 1903, at twelve o'clock noon, in Joint Assembly, for the purpose of electing or declaring the election of a United States Senator, pursuant to an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

And that the following is such vote for United States Senator:

Whole number of votes cast	76
Necessary to a choice	39
George C. Perkins received	58 votes.
Franklin K. Lane received	12 votes.
Eugene E. Schmitz received	6 votes.

CLIO LLOYD, Chief Clerk.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read, and referred to Committee on Executive Communications and Nominations:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,)
SACRAMENTO, January 14, 1903. }

To the Senate of the State of California :

I hereby nominate George W. Marston, of San Diego, a member of the Board of Trustees of the State Normal School of San Diego, vice George Fuller, resigned.

GEO. C. PARDEE,
Governor of California.

LEAVE OF ABSENCE.

Senator Tyrrell of Nevada was, on his own motion, granted a leave of absence until Friday, January 16, 1903.

RESOLUTIONS.

The following resolutions were offered:

By Senator Shortridge:

Resolved, That the Secretary of the Senate be instructed to purchase for the use of the Senate the necessary Keystone binders for Senate and Assembly bills and Journals.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Pendleton:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of C. F. Curry, Secretary of State, upon the Contingent Fund of the Senate for the sum of \$500, in pursuance of the resolution adopted by the Senate January 8, 1903, appropriating such amount for expenses of placing the Senate Chamber and Capitol building in readiness for the inaugural ball.

Resolution read and adopted.

By Senator Smith:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to purchase for the Senate four dozen Royal index files.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the newspaper representatives duly accredited on the floor of the Senate shall receive daily all copies of bills, resolutions, and other documents, the same as are delivered to the members of the Senate.

Resolution read and adopted.

Also:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate for the sum of \$200 in favor of J. Louis Martin, Sergeant-at-Arms, the same to be expended by him in partly refurnishing the office of the Lieutenant-Governor in the State Capitol.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Muentzer:

Resolved, That requisitions on Secretary of State for stationery be limited to \$30 each for the Committees on Finance and Judiciary, and to \$10 each for all other standing committees; each committee requisition to be signed by the chairman thereof.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby instructed to procure for the use of the Senate committees thirty-four tin office-boxes.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Ralston:

Resolved, That on the first day of introduction of bills, the Secretary shall call the roll, and as each Senator's name is called, he shall be permitted to introduce one bill.

Resolution read and adopted.

By Senator Flint:

Resolved, That the Secretary of the Senate be and is hereby authorized and instructed to substitute the name of Mrs. Scott, on the payroll as Committee Clerk, for Mrs. Ida Coleman, and that the Controller is hereby directed to draw his warrant in favor of Mrs. Ida Coleman for any moneys now due Mrs. Scott.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the Secretary of Senate be and is hereby authorized and instructed to substitute the name of William O'Connor, on the payroll as Gallery Doorkeeper, for Frank Connelly, and that the Controller is hereby directed to draw his warrant in favor of Frank Connelly for any moneys now due William O'Connor.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the Secretary of Senate be and is hereby authorized and instructed to substitute the name of L. D. Hall, on the payroll as Gatekeeper, for F. F. Kingsbury, and that the Controller is hereby directed to draw his warrant in favor of F. F. Kingsbury for any moneys now due L. D. Hall.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the Secretary of Senate be and is hereby authorized and instructed to substitute the name of M. Bigelow, on the payroll as Assistant Postmaster, for Mrs. M. Bigley, Assistant Postmistress, and that the Controller is hereby directed to draw his warrant in favor of Mrs. M. Bigley for any moneys now due M. Bigelow.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the Secretary of Senate be and is hereby authorized and instructed to substitute the name of C. B. Olmstead, on the payroll as Stenographer, for Elinor Manson, and that the Controller is hereby directed to draw his warrant in favor of Elinor Manson for any moneys now due C. B. Olmstead.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Emmons:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to purchase the necessary number of Bill and Journal files for the use of the Senate.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

REPORT OF JOINT COMMITTEE.

The following report of Joint Committee was received and read:

We, your Joint Committee, appointed to draw up resolutions of respect to the memory of the late J. H. Seawell, beg leave to report as follows:

WHEREAS, We have learned with profound regret of the death of Hon. John Henry Seawell, recently a member of the Senate of the State of California from the Eighth District; and

WHEREAS, He was always true to his own convictions of duty, both in public and private life, and always rose to the demands of every occasion, and never failed to wield a powerful influence for what was honest, just, and right; and

WHEREAS, He was admired for his many talents, for his honesty, uprightness, and sterling qualities of superb manhood that brought reputation to himself and honor to the State; therefore, be it

Resolved, That the announcement of the death of the late ex-Senator J. H. Seawell has been received by this body with profound sorrow and regret;

That by his death California has lost a distinguished citizen, a diligent, faithful public servant, whose unflinching devotion and unswerving loyalty to her interests endeared him to the hearts of all;

Resolved, That the Senate and Assembly deeply sympathize with the bereaved family in the loss of a true and affectionate husband and a kind and indulgent father;

That the Secretary of the Senate be and he is hereby directed to transmit to the family of the deceased an engrossed copy of these resolutions, duly attested;

Resolved, further, That when we adjourn we do so as a mark of respect to his memory.

J. B. SANFORD,
THOS. FLINT, JR.,
C. M. BELSHAW,
F. E. DUNLAP,
JO V. SNYDER,
WARREN JOHN,
Committee.

The above report and resolutions were unanimously adopted by a rising vote of the Senate.

RECESS.

At eleven o'clock and fifty minutes A. M. the President announced that the hour heretofore set for meeting with the other branch of the Legislature in Joint Assembly, for the purpose of electing a United States Senator to succeed Hon. George C. Perkins, had arrived, and thereupon declared a recess until the adjournment of the Joint Assembly.

IN JOINT ASSEMBLY.

ASSEMBLY CHAMBER,
Wednesday, January 14, 1903. }

The hour of twelve o'clock M. having arrived, the Senate and Assembly met in Joint Assembly for the purpose of proceeding with the election of a Senator in Congress, pursuant to an Act of Congress entitled "An Act to regulate the time and manner for holding elections for Senators in Congress," approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States entitled "An Act to revise and consolidate the statutes of the United States in force on the first day of December, 1873," approved January 22, 1874.

Lieutenant-Governor Alden Anderson, President of the Senate, and Hon. Arthur G. Fisk, Speaker of the Assembly, presiding.

The President of the Senate called the Joint Assembly to order, and directed the Secretary of the Senate to call the roll of Senators.

The roll of the Senate was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—40.

Quorum present.

The Speaker of the Assembly directed the Chief Clerk of the Assembly to call the roll of Assemblymen.

The roll was called, and the following answered to their names:

Messrs. Allen, Amerige, Bangs, Barber, Barnes, Bates, Baxter, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Copus, Covert, Cromwell, Dorsey, Dougherty, Drew, Duffey, Dunbar, Dunlap, Durvea, Ells, Finn, Fisk, Foster, Goodrich, Greer, Hart, Higgins, Houser, Howard, John, Johnson, Johnstone, Kelso, Kerrigan, Killingsworth, King, Knight, Leininger, Lewis of Riverside, Lewis of San Francisco, Lumley, Mahany, Mattos, McCartney, McConnell, McKenney, McLaughlin, McMahon, McMartin, McNeil, Moore, Mott, Murphy, Olmsted, Pann, Prescott, Pyle, Rollev, Siskron, Snyder, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Weger, and Wright—77.

Quorum present.

The President of the Senate declared that a quorum of the Joint Assembly was present, and that the election of a United States Senator to succeed the Hon. George C. Perkins, as such, was now in order, and directed the Secretary of the Senate to read the Act of Congress requiring a Joint Assembly to be held this day.

It was read, as follows:

Title II, Chapter I, United States Revised Statutes—An Act to regulate the time and manner of holding elections for Senators in Congress, approved July 25, 1866, and pursuant to the provisions of Sections 14 and 15 of an Act of Congress of the United States, entitled "An Act to revise and consolidate the statutes of the United States in force on the first day of December, Anno Domini 1873," approved January 22, 1874.

SECTION 14. The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva voce vote by each member present, name one person for Senator in Congress from such State, and the name of the person so voted for who received a majority of the whole number of votes cast in each house shall be entered on the Journal of that house by the Clerk or Secretary thereof, or if either of them fails to give such majority to any person on that day, the fact shall be entered on the Journal. At twelve o'clock M. of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in Joint Assembly, and the Journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes of each house, or if either house has failed to take proceedings as required by this section, the Joint Assembly shall then proceed to choose, by a viva voce vote of each member present, a person for Senator, and the person who receives the majority of all the votes of the Joint Assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the Joint Assembly shall meet at twelve o'clock M. of each succeeding day during the session of the Legislature, and shall take at least one vote until a Senator is elected.

SEC. 16. Whenever, on the meeting of the Legislature of any State, a vacancy exists in the representation of such State in the Senate the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever, during the session of the Legislature of any State, a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the Legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the Executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the Secretary of State of the State.

The Secretary of the Senate, by direction of the President of the Senate, then read from the Journal of the Senate so much of the proceedings of yesterday, which was the second Tuesday after the organization of the thirty-fifth session, as relates to the election of a United States Senator to fill the term commencing March 4, 1903.

Whereby it appears that thirty-nine Senators were present and voted each for his choice, and that the

Hon. George C. Perkins received	33 votes.
Hon. Franklin K. Lane received	5 votes.
Hon. Eugene E. Schmitz received	1 vote.

The President of the Senate then announced that it appeared from the reading of the Journal of the Senate that the Hon. George C. Perkins had received a majority of the votes of the Senate, and declared him the choice of the Senate for United States Senator to fill the term commencing March 4, 1903.

The Chief Clerk of the Assembly, by direction of the Speaker of the Assembly, then read from the Journal of the Assembly so much of the proceedings of yesterday, which was the second Tuesday after the organization of the thirty-fifth session, as relates to the election of a United States Senator to fill the term commencing March 4, 1903.

Whereby it appears that seventy-six members of the Assembly were present, and voted each for his choice, and that the

Hon. George C. Perkins received	58 votes.
Hon. Franklin K. Lane received	12 votes.
Hon. Eugene E. Schmitz received	6 votes.

The Speaker of the Assembly then announced that it appeared from the reading of the Journal of the Assembly that Hon. George C. Perkins had received a majority of the votes of the whole House, and declared him the choice of the Assembly for United States Senator to fill the term commencing March 4, 1903.

The President of the Senate, Hon. Alden Anderson, then proclaimed as follows: It appearing from the Journals of the Senate and Assembly, as read in Joint Assembly, that Hon. George C. Perkins has received a majority of all the votes of the Senate and a majority of all the votes of the Assembly, I therefore declare Hon. George C. Perkins duly elected United States Senator in the Congress of the United States from the State of California for the term beginning March 4, 1903.

The following resolution was offered by Senator Flint, who moved its adoption:

Resolved, That the Secretary of the Senate and the Chief Clerk of the Assembly be and they are hereby directed to prepare and transmit forthwith to the Governor of the State of California a copy of the proceedings of this Joint Assembly pertaining to the election and declaring the election of a person to the United States Senate in Congress from California for the term of six years, beginning March 4, 1903, in accordance with an Act of Congress entitled "An Act to regulate the time and manner of holding elections for Senators in Congress," approved July 25, 1866, and that said copy be attested by the President and Secretary of the Senate and the Speaker and Chief Clerk of the Assembly.

Resolution read and adopted.

ANNOUNCEMENT.

The President of the Senate announced the receipt of a telegraphic communication from the Hon. George C. Perkins, which was read and ordered printed in the Journal.

WASHINGTON, D. C., January 14, 1903.

HON. ALDEN ANDERSON, *Lieutenant-Governor, and President Joint Senatorial Convention, Sacramento, Calif. :*

Permit me to extend to you, and through you to the members of the Legislature and people of California, my grateful appreciation of the honor conferred in re-electing me for the third time one of your representatives in the Senate of the United States. I realize full well there are many in our State who could bring more talent to the position, but no one can work with more zeal or have greater devotion to our State, her varied and wonderful resources, than I, who owe so much to the good people of California, who have so often honored me with their preferment. I earnestly pray that I may ever prove worthy of their confidence. May we all unite in stimulating a revival of civic conscience and public sense of individual responsibility and the patriotic sentiment that official position is the field of public duty and honor. My watchword shall be patriotism, love of State, and the honor and dignity of American citizenship.

GEORGE C. PERKINS.

The President of the Senate directed the Secretary to read the minutes of the Joint Assembly, and, on motion of Senator Lukens, the same were approved.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M. the President of the Senate declared the Joint Assembly adjourned *sine die*.

ALDEN ANDERSON,
President of the Senate.
F. J. BRANDON,
Secretary of the Senate.
ARTHUR G. FISK,
Speaker of the Assembly.
CLIO LLOYD,
Chief Clerk of the Assembly.

IN SENATE.

RECONVENED.

At twelve o'clock and thirty minutes P. M. the Senate reconvened.
Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

RECESS.

At twelve o'clock and thirty-five minutes P. M., on motion of Senator Belshaw, the Senate was declared at recess until two o'clock and thirty minutes P. M. of this day.

RECONVENED.

At two o'clock and thirty minutes P. M. the Senate reconvened.
Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc. were introduced:

By Senator Bauer: Senate Bill No. 2—An Act to regulate the practice of chiropody, the registering and licensing of persons to carry on such practice and to promote competency and skill among the practitioners of chiropody in the State of California.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Bunkers: Senate Constitutional Amendment No. 1—Relative to the gain or loss of residence of voters.

Referred to Committee on Constitutional Amendments.

By Senator Byrnes: Senate Bill No. 3—An Act to appropriate the sum of \$5,487 to pay the amount of a judgment against the State of California, and in favor of Robert Y. Hayne, with the interest thereon from the entry of said judgment to the time this Act takes effect, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Bill read first time, and referred to Committee on Finance.

By Senator Caldwell: Senate Bill No. 4—An Act providing for the submission of the proposition of the license and sale or prohibiting of the sale of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth classes.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Coggins: Senate Bill No. 5—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish same, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

By Senator Corlett: Senate Bill No. 6—An Act to provide for the purchase of additional lands for the Napa State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Curtin: Senate Bill No. 7—An Act to appropriate the sum of \$1,315 to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of the Legislature of the State of California, entitled "An Act authorizing suits against the State, on claims or demands, arising under an Act of the Legislature, entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Bill read first time, and referred to Committee on Finance.

By Senator Devlin: Senate Bill No. 8—An Act to provide for the use, at the option of indicated local authorities, of automatic ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city, or town, at any or all elections held therein.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Diggs: Senate Bill No. 9—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Emmons: Senate Bill No. 10—An Act to provide free school text-books for the pupils of the common schools of the State of California.

Bill read first time, and referred to Committee on Education.

By Senator Flint: Senate Bill No. 11—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the definition of certain words.

Bill read first time, and referred to Committee on Code Revision.

By Senator Hahn: Senate Constitutional Amendment No. 2—To propose to the people of the State of California an amendment to the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing Courts of Appeal.

Referred to Committee on Constitutional Amendments.

By Senator Hubbell: Senate Bill No. 12—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Knowland: Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Bill read first time, and referred to Committee on Finance.

By Senator Lardner: Senate Bill No. 14—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State, as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents, defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Read first time, and referred to Committee on Federal Relations.

By Senator Leavitt: Senate Bill No. 15—An Act to create and establish two new reclamation districts of this State, to be known, respectively, as Union Island Reclamation District No. 1 and Union Island Reclamation District No. 2, embracing within their respective territorial limits a portion of Union Island, in San Joaquin County, to define the boundaries of such districts, and provide for the organization and government thereof, and to dissolve all other reclamation districts in conflict therewith.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Lukens: Senate Bill No. 16—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Bill read first time, and referred to Committee on Commissions, Retrenchment, and Reform.

By Senator Pendleton: Senate Bill No. 17—An Act amending the Civil Code of the State of California by adding thereto a new section numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation, owning any railroad in this State, of its property and franchises, or any part thereof, to any railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and describing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Bill read first time, and referred to Committee on Corporations.

By Senator Muentert: Senate Bill No. 18—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Nelson: Senate Bill No. 19—An Act directing the State Board of Harbor Commissioners to construct a certain portion of the harbor embankment or seawall of the Port of San Francisco.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Ralston: Senate Bill No. 20—An Act to appropriate \$25,000 for the establishment and support of a School of Forestry in the University of California, and providing for the payment of such appropriation.

Bill read first time, and referred to Committee on Education.

By Senator Rowell: Senate Bill No. 21—An Act creating a fund for the benefit and support of high schools and providing for its distribution.

Bill read first time, and referred to Committee on Education.

By Senator Sanford: Senate Bill No. 22—An Act to appropriate \$35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital; to purchase furniture and furnish the building so to be erected by the Board of Managers of said State Hospital; to appropriate money therefor and provide for the expenditure of the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Savage: Senate Bill No. 23—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State.

Bill read first time, and referred to Committee on Finance.

By Senator Selvig: Senate Bill No. 24—An Act to appropriate the sum of \$250, to pay the claim of Thomas D. Riordan against the State of California, for professional services and advice in the case of D. B.

Murphy vs. Charles F. Curry, Secretary of State, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the State Board of Examiners.

Bill read first time, and referred to Committee on Finance.

By Senator Shortridge: Senate Bill No. 25—An Act to build and provide for the furnishing of a cottage upon the grounds of the Agnews State Hospital, and to appropriate money therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Smith: Senate Concurrent Resolution No. 4—Approving thirteen certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein for that purpose on the first day of December, 1902.

Referred to Committee on Municipal Corporations.

By Senator Ward: Senate Bill No. 26—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

By Senator Welch: Senate Bill No. 27—An Act to amend Section 49 of the Civil Code of the State of California, relating to rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 28—An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigation.

Bill read first time, and referred to Committee on Forestry and Water Preservation.

By Senator Woodward: Senate Bill No. 29—An Act to establish a Poultry Experiment Station in the County of Sonoma, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 30—An Act to amend Section 1132 of the Political Code of the State of California, relating to the place for holding an election.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Wolfe: Senate Bill No. 31—An Act to add a new section to the Political Code of the State of California, to be numbered 3575, providing for the withdrawal from redemption from tax sales and from entry and sale, and for the reservation of public lands, lands deeded to the State for the non-payment of taxes, and other lands owned by the State, that are suitable for forestry purposes, and providing for reports by Tax Collectors and the Surveyor-General in relation thereto, and for proclamation of the Governor withdrawing and reserving such lands.

Bill read first time, and referred to Committee on Forestry and Water Preservation.

By Senator Welch: Senate Bill No. 32—An Act to amend Section 382 of the Penal Code.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ward: Senate Bill No. 33—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Bill read first time, and referred to Committee on Irrigation.

By Senator Smith: Senate Bill No. 34—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Shortridge: Senate Bill No. 35—An Act to provide for improving the grounds of the Agnews State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Savage: Senate Bill No. 36—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Sanford: Senate Bill No. 37—An Act to appropriate the sum of \$15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Bill read first time, and referred to the Committee on Hospitals and Asylums.

By Senator Ralston: Senate Bill No. 38—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road," at or near the "Tioga Mine," and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Pendleton: Senate Bill No. 39—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Muentzer: Senate Bill No. 40—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, and as amended by an Act approved March 21, 1899, relating to the powers of the State Lunacy Commission to fix salaries and wages.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Lukens: Senate Bill No. 41—An Act appropriating the sum of \$2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Bill read first time, and referred to Committee on Finance.

By Senator Leavitt: Senate Bill No. 42—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and an Act amendatory thereof, approved March 23, 1901, by adding a new section, to be called Section 234½, declaring official reporters of the Superior Courts to be county officers of the respective counties, fixing their terms of office and providing for their compensation, and the mode of payment thereof.

Bill read first time, and referred to Committee on County Government.

By Senator Lardner: Senate Bill No. 43—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State Wagon Road, at or near Meyer's Station, thence past Tallac, Emerald Bay and McKinney's, to Tahoe City, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Hubbell: Senate Bill No. 44—An Act to appropriate \$8,000 for the extension of the laundry building and purchase of additional machinery therefor; for the purchase and erection of new boilers; for the construction of a reservoir and pipe-line for domestic water supply, for the Southern California State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Hahn: Senate Bill No. 45—An Act to amend Section three hundred and thirty-nine (339) of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Flint: Senate Bill No. 46—An Act making an appropriation to pay the judgment against the State of California, recovered by R. Shaw, in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Bill read first time, and referred to Committee on Finance.

By Senator Emmons: Senate Constitutional Amendment No. 3—Amending Article XI of the Constitution, providing for the framing and adoption of County Government Acts by the voters.

Referred to Committee on Constitutional Amendments.

By Senator Diggs: Senate Bill No. 47—An Act to establish the California State Dairy School and Experiment Farm, and to appropriate money therefor.

Bill read first time, and referred to Committee on Education.

By Senator Devlin: Senate Bill No. 48—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision without the Governor's approval on March 7, 1899.

Bill read first time, and referred to Committee on Finance.

By Senator Corlett: Senate Bill No. 49—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Curtin: Senate Bill No. 50—An Act to amend the Code of Civil Procedure of the State of California by adding thereto seven new sections, to be numbered 1060, 1061, 1062, 1062*a*, 1062*b*, 1062*c*, and 1062*d*, to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successor or assigns of such transferee or grantee, may sell, incumber, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee, or grantee or pledgee of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court or admitted, and to provide for entry of judgment in said action upon the said undertaking.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caldwell: Senate Bill No. 51—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Bill read first time, and referred to Committee on Banking.

By Senator Belshaw: Senate Bill No. 52—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 53—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Bauer: Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

Referred to Committee on Constitutional Amendments.

Also: Senate Bill No. 54—An Act to appropriate \$2519.88 to pay the claim of Mrs. S. L. Bee, for interest upon bonds issued by the Treasurer of the State of California under the provisions of the Act of the Legislature of the State of California entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mari-

posa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians," approved May 3, 1852, represented by coupons 3, 4, and 5 of the following bonds: Bonds for \$1000 each and numbered, respectively, 63, 64, 65, 66, 67, 77, 85, 94, 95, 101, and 284; bonds for \$500 each and numbered, respectively, 57, 109, 176, and 185; bonds for \$100 each and numbered, respectively, 10, 11, 77, 79, and 105.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 55—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Caldwell: Senate Bill No. 56—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees, in their respective counties, cities, and towns, and to impose a license tax.

Bill read first time, and referred to Committee on County Government.

By Senator Corlett: Senate Bill No. 57—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home, located at Yountville, Napa County, State of California, now in course of construction.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Curtin: Senate Bill No. 58—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking, in case any objection made is sustained by the court or admitted.

Bill read first time, and referred to Committee on Judiciary.

By Senator Devlin: Senate Bill No. 59—An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State, received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State Prisons.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Diggs: Senate Bill No. 60—An Act relating to ferries across navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Emmons: Senate Bill No. 61—An Act permitting reporters' notes of testimony to be used as evidence in certain cases.

Bill read first time, and referred to Committee on Judiciary.

By Senator French: Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among steam engineers in the State of California.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Hahn: Senate Bill No. 63—An Act to amend Sections 1197 and 1205 of the Political Code, as amended March 20, 1899, relating to election ballots and manner of voting.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Hubbell: Senate Bill No. 64—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of Boards of Supervisors.

Bill read first time, and referred to Committee on County Governments.

By Senator Knowland: Senate Bill No. 65—An Act to authorize the purchase and use of voting machines at elections hereafter to be held in this State, or in any political subdivision thereof, and providing that the votes cast at any such elections may be registered, or recorded, and counted, and the result of such elections ascertained by such machines; and providing for the punishment of all violations of the provisions of this Act.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 66—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lardner: Senate Bill No. 67—An Act for preserving the James W. Marshall monument at Coloma, California, piping water on the grounds where located, and improving said grounds, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Leavitt: Senate Bill No. 68—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid.

Bill read first time, and referred to Committee on Judiciary.

By Senator Luchsinger: Senate Bill No. 69—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 70—An Act making an appropriation for the purchase of law books for the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 71—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same.

Bill read first time, and referred to Committee on Finance.

By Senator Lukens: Senate Bill No. 72—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Muentzer: Senate Bill No. 73—An Act to appropriate \$55,070 for the purchase of additional lands for the use of the Stockton State Hospital, with the existing improvements thereon; for further improvements thereon; to purchase dairy cows, and hogs, and to purchase irrigating plant, all for the use of said hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Pendleton: Senate Bill No. 74—An Act to repeal an Act entitled an Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens and regulating the provisions to be contained in building contracts (approved March 28, 1901.)

Bill read first time, and referred to Committee on Judiciary.

By Senator Ralston: Senate Bill No. 75—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Bill read first time, and referred to Committee on County Government.

By Senator Rowell: Senate Bill No. 76—An Act appropriating \$300 to pay the reward to C. W. King for the arrest of "Indian Dick Hutchings," sometimes called "Indian Dick," for the murder of "Tyner Bill."

Bill read first time, and referred to Committee on Finance.

By Senator Sanford: Senate Bill No. 77—An Act to provide for the improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Shortridge: Senate Bill No. 78—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Leavitt: Senate Bill No. 79—An Act to establish police courts in cities of the second class, to fix their jurisdiction, provide for officers of said court, and fix the compensation of the officers thereof.

Bill read first time, and referred to Committee on Health.

By Senator Ward: Senate Bill No. 80—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Wolfe: Senate Bill No. 81—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children, prescribing the powers and duties of courts with respect

thereto; providing for the appointment of probation officers and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence.

Bill read first time, and referred to Committee on Judiciary.

By Senator Welch: Senate Bill No. 82—An Act to add a new section to the Civil Code, to be known as section number one hundred and eight (108), relating to divorces.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 83—An Act to amend section eighty-six (86) of the Code of Civil Procedure, relating to the justices' clerk in every city and county of more than one hundred thousand population.

Bill read first time, and referred to Committee on Judiciary.

By Senator Woodward: Senate Bill No. 84—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals.

Bill read first time, and referred to Committee on County Government.

By Senator Wolfe: Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit.

Bill read first time, and referred to Committee on Corporations.

By Senator Ward: Senate Bill No. 86—An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled "An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture," approved March 13, 1883, said first-named Act having been approved February 20, 1901, and adding five new sections to said Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Pendleton: Senate Bill No. 87—An Act to amend the Political Code by amending Section 2696 thereof, and by adding a new section thereto, to be numbered Section 2643a, relating to roads and highways.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Belshaw: Senate Bill No. 88—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Sanford: Senate Bill No. 89—An Act to amend Sections 3456 and 3459 of the Political Code of this State, relating to the appointment of commissioners of assessment in reclamation districts.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Devlin: Senate Bill No. 90—An Act authorizing and directing the State Board of Prison Directors to cut, manufacture, and sell stone to cities, counties, or cities and counties, for bridge and road purposes.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Ralston: Senate Bill No. 91—An Act making an appropriation to pay the claim of George C. Graves for services rendered and expenses incurred in the extradition of James William Martin from the State of Oregon.

Bill read first time, and referred to Committee on Finance.

By Senator Pendleton: Senate Bill No. 92—An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, and by adding thereto four new sections, numbered 18, 19, 20, and 21, all relating to the sanitary condition of barber shops and barber schools and the regulation thereof.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Muentert: Senate Bill No. 93—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart and to the effect as evidence of certified copies of the records of the same.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lukens: Senate Bill No. 94—An Act to limit the meaning of the word "conspiracy" and also the use of "restraining orders" and "injunctions" as applied to disputes between employers and employes in the State of California.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Leavitt: Senate Bill No. 95—An Act amending Section 1570 of the Penal Code of the State of California, providing for the disposition of fines and forfeitures collected by any court in the State of California.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Lardner: Senate Bill No. 96—An Act to amend Section 1183 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to liens of mechanics, miners, and others.

Bill read first time, and referred to Committee on Judiciary.

By Senator Knowland: Senate Bill No. 97—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Hubbell: Senate Constitutional Amendment No. 5—Relative to the Supreme Court.

Referred to Committee on Constitutional Amendments.

By Senator Hahn: Senate Bill No. 98—An Act to amend Section 1215 of the Political Code, relating to general restrictions on election officers, voters and others.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Emmons: Senate Bill No. 99—An Act to provide for night schools.

Bill read first time, and referred to Committee on Education.

By Senator Diggs: Senate Bill No. 100—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Bill read first time, and referred to Committee on County Government.

By Senator Devlin: Senate Bill No. 101—An Act to amend Section 626 of the Penal Code of the State of California, relating to the preservation of game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Curtin: Senate Bill No. 102—An Act to appropriate the sum of \$2,340 to pay the claim of William Fahey for moneys due and owing the said William Fahey from the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Corlett: Senate Bill No. 103—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos in the power-house at the Veterans' Home located at Yountville, Napa County, State of California.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Caldwell: Senate Bill No. 104—An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon the President or Vice-President of the United States, the Governor of any State or Territory, any United States Justice or Judge, or the Secretary of any Executive Department of the United States, a felony; and providing a penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Muentzer: Senate Bill No. 105—An Act to appropriate the sum of fourteen hundred and sixteen dollars and fifty cents (\$1,416.50), for the purchase of ballot paper for the Secretary of State's office, to be used during the remainder of the fifty-fourth fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 106—An Act to amend Section 3255 of the Civil Code of the State of California, relating to checks and the rules applicable to same.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 107—An Act to amend an Act entitled "An Act to establish a Penal Code, approved February 14, 1872, by amending Sections 1203 and 1215 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation."

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 131, relating to the powers and duties of the courts of the State in the appointment of probation officers and defining the duties and powers of such officers.

Bill read first time, and referred to Committee on Judiciary.

By Senator Corlett: Senate Bill No. 109—An Act to amend and re-enact Section 5 of an Act entitled "An Act to accept from the

Veterans' Home Association, the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Hubbell: Senate Bill No. 110—An Act to provide for building, equipping, and furnishing one cottage for male patients at the Southern California State Hospital, and to make an appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Devlin: Senate Bill No. 111—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Emmons: Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to Section 2 of Article IV of the Constitution of the State of California, in relation to sessions of the Legislature.

Referred to Committee on Constitutional Amendments.

By Senator Hahn: Senate Bill No. 112—An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 2 is ratified by the people.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hubbell: Senate Bill No. 113—An Act to provide for the building of fences and construction of ditches and reservoirs and other improvements at the Southern California State Hospital, and to make an appropriation for the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Knowland: Senate Bill No. 114—An Act to amend Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI, to take the place thereof, in said code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Bill read first time, and referred to Committee on Judiciary.

By Senator Leavitt: Senate Bill No. 115—An Act to provide for the compilation, printing, binding, publishing, and distribution of a legislative manual and state blue book, or roster, and repealing conflicting Acts.

Bill read first time, and referred to Committee on Finance.

By Senator Pendleton: Senate Bill No. 116—An Act to amend Section 11 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education, and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the annual renewal of the card or insignia of said board.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Muentzer: Senate Bill No. 117—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Pendleton: Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Sanford: Senate Bill No. 119—An Act to amend Section 3492 of the Political Code of the State of California, relating to swamp and overflowed lands.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Smith: Senate Bill No. 120—An Act to appropriate the sum of two thousand (\$2,000) dollars to pay for stationery, fuel, lighting, and other necessary supplies, for the Legislature and State officers, to be used during the remainder of the fifty-fourth fiscal year.

Bill read first time, and referred to Committee on Finance.

By Senator Ward: Senate Bill No. 121—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 537, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding-houses, and lodging-houses," approved March 1, 1889.

Bill read first time, and referred to Committee on Judiciary.

By Senator Welch: Senate Bill No. 122—An Act to amend Section 628 of the Penal Code of the State of California, relating to the preservation of fish.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Sanford: Senate Bill No. 123—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Hahn: Senate Bill No. 124—An Act to amend Section 1211 of the Political Code, relating to defective and void ballots.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 125—An Act to amend Section three hundred and thirty-seven (337) of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hubbell: Senate Bill No. 126—An Act to provide for surveying, locating, and building a trail or footpath from a point in the Owens River Valley, in Inyo County, upon and over the Sierra Nevada Mountains, to connect with a trail now leading to the summit of Mount Whitney, and to make an appropriation for the same.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Ward: Senate Bill No. 127—An Act making an appropriation to pay a judgment for the sum of \$5,880, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of the said Superior Court, at page 392.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 128—An Act making an appropriation to pay a judgment for the sum of \$8,655, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 129—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 130—An Act making an appropriation to pay judgment for the sum of \$3,195, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 131—An Act to establish and maintain an Experimental Sericultural Station in the County of San Diego, State of California.

Bill read first time, and referred to Committee on Commissions, Retrenchment, and Reform.

Also: Senate Bill No. 132—An Act to add a new section to the Political Code of the State of California, to be known as Section No. 3611, relating to the general revenue of the State and to property exempt from taxation.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 133—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

Bill read first time, and referred to Committee on Judiciary.

By Senator Emmons: Senate Bill No. 134—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

Bill read first time, and referred to Committee on Agriculture.

Also: Senate Bill No. 135—An Act to promote safety to passengers on railway trains.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 136—An Act to promote safety to passengers on railway trains.

Read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 137—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of recorder.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 138—An Act relating to the payment of trial jurors in Superior Courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 139—An Act to constitute high schools a part of the public school system of the State of California.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 140—An Act to provide one additional Judge of the Superior Court of the County of Kern.

Bill read first time, and referred to Committee on Judiciary.

By Senator Knowland: Senate Bill No. 141—An Act to add a new section to the Civil Code, numbered 636*a*, relating to voluntary withdrawals of stock from land and building corporations, also called building and loan associations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 142—An Act to add a new section to the Civil Code, numbered 634*a*, relating to the capital stock of land and building corporations, also called building and loan associations, to the impairment of such stock and to the insolvency of such associations.

Bill read first time, and referred to Committee on Judiciary.

APPOINTMENT OF SPECIAL COMMITTEE.

In accordance with the motion of Senator Ralston that the contested election case of Hubbard vs. Coggins be referred to a special committee of five, the President appointed Senators Ralston, Knowland, Greenwell, Curtin, and Emmons as such committee.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Selvage:

Resolved, That A. A. Millard be appointed a stenographer for the Committee on Code Revision, as a substitute for the position which she now holds as Committee Clerk of the Committee on Code Revision; that she receive the sum of five dollars (\$5.00) per day for her services, to commence January 11, 1903.

Resolution read and adopted.

PETITIONS.

Senator Belshaw presented the following petition, which was ordered printed in the Journal down to and including the sixth name:

PETITION.

To the Honorable the Legislature of the State of California:

GENTLEMEN: We the undersigned taxpayers petition your honorable body to enact a law to enable municipalities to acquire a water supply, under the right of eminent domain, to create water districts embracing territory beyond the limits of a municipality, and to issue bonds, the interest thereof, the redemption of such bonds in optional series, and in lieu of monthly collections for water than such tax for redemption of bonds, payment of interest, and running expenses be paid by a direct tax annually. And your petitioners would ever pray.

Respectfully,

(Signed:) Tobias Hock, Fourth and D Streets, San Rafael; G. Fitzroy, Second Street, San Rafael; P. M. Jorgensen, Harold Jorgensen; E. G. Krahenbuhl, 115 Fifth Avenue; Nick Bruno, San Rafael.

Senator Leavitt presented the following petition, which was ordered printed in the Journal:

To the Honorable the Senate and Assembly of the State of California:

The undersigned petitioners respectfully show:

1. That a bill for an Act to create and establish two new reclamation districts of this State, embracing within their respective territorial limits, certain portions of Union Island, in San Joaquin County, to be known as Union Island Reclamation District No. 1 and Union Island Reclamation District No. 2, and to dissolve all other districts in conflict therewith, has at the instance of your petitioners been presented, or is about to be presented, for legislative consideration. The bill has been carefully prepared, and for the reasons hereinafter generally set forth, and in accordance with the settled policy of the State in promoting the reclamation of such lands, your petitioners respectfully pray that it may be approved by both your honorable bodies, and be enacted into a statute, as the same now stands.

2. The lands within the boundaries of the proposed districts are of the class known as swamp and overflowed lands, and are wholly covered, with the exception of a very small fraction thereof, by patents issued by the State under which your petitioners derive their title. And your petitioners in various capacities represent the ownership of nearly the entire body of land in each of these proposed districts. Distinct reclamations have been made of the lands embraced within the boundaries of these proposed districts, by a continuous line of levees erected on the margin thereof, one known as the Old Reclamation and the other as the New Reclamation, the two being separated from each other by a cross levee. A portion of these levees was in part constructed under the auspices of Reclamation District No. 282, hereinafter mentioned, but was afterward greatly enlarged and improved by the owners of the land upon their own behalf and responsibility; and the other portion, not included within the plan of reclamation adopted by that district, was in like manner entirely constructed by such owners.

Under the present existing conditions there are no legal means by which an assessment can be levied, or its collection enforced, for the maintenance or repair of these levees, and their care and preservation, entailing a large and constant expense, are left wholly dependent upon the voluntary action, by mutual consent, of the several owners. So long as the ownership of these lands remains in but few hands, such concerted action is attainable; but changes in the ownership are not only likely to occur, but, in fact, are, in the vicissitudes of human affairs, inevitable, and the existing harmony of action must be greatly imperiled, and its cessation must be regarded as not only probable, but unavoidable.

These are very serious difficulties, and they can only be obviated by the creation and organization of regular reclamation districts embracing these lands, with boards of trustees to manage and conduct the affairs of the districts. This involves the dissolution of the effete districts within which these lands are situate, neither of which has any debts, and whose day of usefulness has long since passed away.

3. Under the provisions of an Act entitled "An Act to provide for the management and sale of the lands belonging to the State," approved March 28, 1868 (Laws of 1867-S, p. 507, Section 39), a reclamation district embracing a portion of the land included in the proposed District No. 1, was on the 2d day of December, 1872, formed by the Board of Supervisors of said San Joaquin County, on the petition of John Petty, of date October 24, 1872, setting forth that he was then sole owner of all the land embraced in that district, to enable him to reclaim the same and manage the reclamation thereof, on his own responsibility, without the intervention of trustees. But prior to the formation of that district, to wit, on the 19th day of November, 1872, John Petty had conveyed this land to George W. Kidd, who conveyed the same November 13, 1876, to Thomas H. Williams, under whom several of your petitioners, respectively, derive title to the same. It is useless to inquire what became of this extraordinary creature of the law after these conveyances. It is sufficient to say, that for more than twenty years past, this district, if it still continued to exist in the law, has exercised no function and served no useful purpose, and should be abolished. The owners of the land within its territorial limits have during that time acted simply as owners, on their own responsibility, irrespective of its existence, and in complete independence thereof.

On or about August 10, 1876, another reclamation district known as Reclamation District No. 282, was formed under the then existing provisions of the Political Code, relating to the reclamation of swamp and overflowed lands, by the Supervisors of said San Joaquin County, embracing within its limits all the residue and by far the greater part of said island, and on August 16, 1876, Thomas H. Williams, George W. Kidd, and George D. Roberts were elected trustees of this district.

Kidd died September 22, 1878, Roberts resigned his office November 8, 1879, and has since died, and Williams died February 28, 1886. These were the only trustees this district ever had. No election was ever held to replace them, nor were the vacancies in its board of trustees ever filled by appointment or otherwise. For more than twenty years past there has been no user by this district of its corporate or other powers, nor any exercise by it of any of its functions, and the owners of the land within its boundaries have, in their work of reclamation, ignored its existence, and have suffered it to fall into a state of absolute desuetude, and so it remains to this day, without a governing body, its functions suspended, serving no purpose, and existing only as a legal entity, and it should also be abolished.

4. For cogent reasons, the detail of which would be tedious, the original scheme of reclamation adopted by said Reclamation District No. 282, which contemplated, in unison with the owners of the land in said other districts, the reclamation of said island as a whole, under one system of levees, was abandoned more than twenty years ago, and the owners of various separate bodies of land within the boundaries of said District No. 282 have since made several separate reclamations thereof distinct from each other, acting upon their own responsibility, and in pursuance of their own plans, regardless of the existence of said district. There are now some six of these reclamations upon said island. These reclamations have distinct levee systems controlled by the owners of the land included by them, and each has a different set of owners. And besides, a large portion of the island has been cut off from the rest thereof by a large, wide, navigable canal running through the island and forming a separate island, now known as Victoria Island, which has also its own separate system of levees, and a distinct ownership.

These various reclamations, although not organized under the provisions of law for the formation of reclamation districts, do, in point of fact, and practically, constitute in a certain sense so many separate reclamation districts.

Thus it is manifest that, in view of these conditions, the management and control of these diverse reclamations by means of District No. 282, has become utterly impossible.

5. The reclamation of such lands as those is not a matter affecting merely the individual owners, but one which deeply concerns the public at large.

In accepting the grant of these swamp lands from the Federal Government, the State was bound to carry out in good faith the object for which it was made, which was the speedy reclamation of these lands and thus invite to them population and settlement, thereby opening new fields for industry and increasing the general prosperity. And it has been the settled policy of the State, from which it has never deviated, to steadily promote the reclamation of these lands and thus fulfill its obligation.

Kimbal vs. Reclamation Fund Commrs., 45 Cal. 360.

County of Kings vs. County of Tulare, 119 Cal. 515.

The chief mode adopted by the State in carrying out this policy has been the creation and organization of levee districts or reclamation districts.

These districts are not private corporations, nor are they municipal corporations as that term is used in the Constitution. They are not defined to be "public agencies," or special organizations formed to perform certain work which the policy of the State requires to be done, and to which the State has given a certain degree of discretion in making the improvement contemplated.

People vs. Reclamation District No. 551, 117 Cal. 121.

The whole scheme of reclamation originates with the State, and is carried to a completion by agents of the State, to wit: These districts, in furtherance of public policy, and the property acquired by them, such as canals, drains, embankments, and other reclamation works, is deemed so far public property, acquired by the agents of the State for State purposes, as to be exempt from taxation.

Reclamation District No. 551 vs. County of Sacramento, 134 Cal. 479.

In pursuance of this policy the Legislature has passed innumerable special acts creating, organizing, and establishing reclamation districts, recognizing the existence of, and vitalizing, those whose organization was defective and dissolving others; and also innumerable amendatory Acts granting to them further privileges or powers, changing their boundaries and otherwise affecting them during a period of thirty years or more, down to and including the last session of the Legislature in 1901, which amended an Act relating to Levee District No. 1 (Stats. 1901, p. 629). No restrictions upon the action of the Legislature in respect to the creation, organization, dissolution, and control of these districts existed under the old Constitution, nor, as has been expressly decided by our Supreme Court, do any exist under the new Constitution.

See People vs. Levee District No. 6, 131 Cal. pp. 31-4, and

People vs. Reclamation District No. 551, 117 Cal. 114

The whole matter thus rests with the Legislature, which may create or abolish these districts as it may deem wise and expedient.

So there can be no objection, either for want of power, precedent or propriety, to the action of the Legislature in granting us the relief solicited by the enactment into a law

of the bill submitted by us to its consideration. Your petitioners do, therefore, pray that your honorable bodies pass the bill, and thus relieve your petitioners from the chaotic conditions in which they are now placed.

Respectfully submitted.

(Signed:) David Bixler, Frank S. Johnson, guardian of the estate of Frank Hansford Johnson; John W. Ferris, trustee under the will of Thos. H. Williams, deceased; Thos. W. Williams, Old River Land and Reclamation Company, John Heid, President; Jennie R. Williams, George E. Williams, by David Bixler, under their written authorization.

Dated January 6, 1903.

ADJOURNMENT.

At three o'clock and forty-five minutes p. m., on motion of Senator Wolfe, the Senate adjourned until eleven o'clock a. m. of Thursday, January 15, 1903.

IN SENATE.

SENATE CHAMBER,
Thursday, January 15, 1903. }

Pursuant to adjournment, the Senate met at eleven o'clock a. m.
Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF JOURNAL.

The Journal of Wednesday, January 14, 1903, was read.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Joint Resolution No. 2 having been set as a special order for this hour, on motion of Senator Hubbell, the special order made for Senate Joint Resolution No. 2 was set aside, and the same was ordered on file to take the usual course.

SPECIAL ORDER RESET.

The consideration of Senate Joint Resolution No. 3 having been set as a special order for this hour, on motion of Senator Sanford, the further consideration of Senate Joint Resolution No. 3 was postponed until Tuesday, January 20, 1903, immediately after reading of the Journal. and was made a special order for that hour.

PETITION.

Senator Lardner presented the following petition, which was ordered printed in the Journal down to and including the sixth name:

PETITION FOR A SUNDAY LAW.

To the Honorable the Senate and Assembly of the State of California:

We the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest, by prohibiting, with adequate penalties, all unnecessary labor and business, Seventh Day worshippers excepted, and all barbarous, unseemly or noisy amusements.

The above was indorsed by vote by a meeting of Congregational Church in the town of Loomis, State of California, on 11th of January, 1903, and the undersigned were authorized to so attest.

(Signed :) S. R. Yarrow, presiding; John Tufts, D. F. Roddan, A. B. Whittier, C. F. Fobes, Jr., M. E. Tufts, P. Swetzo, and thirteen others.

REPORTS OF STANDING COMMITTEE.

The following reports of standing committee were received and read:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 14, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the Sergeant-at-Arms of the Senate be and is hereby instructed to procure, for the use of the Senate, two dozen chairs, at a cost not to exceed four dollars (\$4.00) apiece; and the State Controller is hereby directed to draw his warrant to pay for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that the words and figures "four dollars (\$4.00)" be stricken out, and the words and figures "six dollars (\$6.00)" be inserted therefor, and recommend that the same be adopted as amended.

FLINT, Chairman.

Senator Luchsinger moved to amend by striking out the words "two dozen," and the word "forty" be inserted therefor.

Amendment adopted.

Resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution as amended adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Emmons, Flint, French, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Munter, Nelson, Pendleton, Plunkett, Ralston, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—29.

NOES—Senators Lardner, Rowell, and Smith—3.

Also:

SENATE CHAMBER, SACRAMENTO, January 14, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the State Controller be and he is hereby ordered to draw his warrant on the Contingent Fund of the Senate in the sum of \$250 in favor of E. I. Wolfe, in payment of bills, as attached, incurred by the special Committee on Tuberculosis, authorized by Senate resolution, March 17, 1901, in the last biennial session; and the State Treasurer is directed to pay said warrant.

J. M. Plunkett, expenses San Francisco to Los Angeles and return.....	\$50 00
E. I. Wolfe, expenses San Francisco to Los Angeles and return.....	50 00
Postage	40 00
Telephone, telegraph service, etc.....	35 00
Clerk hire and incidentals.....	75 00

Also:

Resolved, That the Secretary of the Senate be and he is hereby instructed to procure for the use of the Senate committees such files as are necessary for their work. The Controller is hereby directed to draw his warrant in payment of the same, and the Treasurer is hereby directed to pay same.

Also:

Resolved, That the Sergeant-at-Arms provide the Press Mailing Clerks with \$40 worth of postage stamps, the same payable out of the fund for contingent expenses of the Senate, and the Controller is hereby directed to draw his warrant for the said sum of \$40, and the Treasurer is directed to pay the same.

Also:

Resolved, That the Lieutenant-Governor, Hon. Alden Anderson, be and is hereby allowed twenty-five dollars (\$25.00) for contingent expenses, as allowed to members of the Senate, payable out of the appropriation for the contingent expenses of the Senate. The Controller is hereby directed to draw his warrant for and the Treasurer to pay the same.

Also:

Resolved, That the Controller of State be and is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of \$75 for rubber stamps, expressage, and postage, the same payable out of the Contingent Fund of the Senate.

Also:

Resolved, That the Secretary of the Senate be and is hereby instructed to rent type-writing machines for the use of the Stenographers of the Senate, and the Controller of the State is authorized to draw his warrant for the amount of the rental, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

The question being on the adoption of the resolutions.

The roll was called, and the resolutions adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Ralston, Sanford, Savage, Selvage, Smith, Welch, Williams, and Woodward—31.

NOES—None.

RESOLUTION.

The following resolution was offered:

By Senator Welch:

Resolved, That Louis Scharetz be and he is hereby appointed to the position of Committee Sergeant-at-Arms, at the per diem of \$4, in place and stead of Committee Door-keeper, which last-named position is hereby declared vacant.

Resolution read and adopted.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Leavitt: Senate Bill No. 143—An Act regulating the hours of service on regular duty by members of the police department of the cities of the first class, cities and counties, cities of the first and one half class, and cities of second class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Lukens: Senate Bill No. 144—An Act to amend Sections 408, 409, 410, and 420, and to repeal Section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of Secretary of State.

Bill read first time, and referred to Committee on Judiciary.

By Senator Oneal: Senate Bill No. 145—An Act to amend an Act entitled "An Act for the incorporation of societies for the prevention of cruelty to children," approved April 3, 1876, by adding thereto a new section, to be numbered 4½, relating to arrests for violations of Acts for prevention of cruelty to children.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selvage: Senate Bill No. 146—An Act to provide for the protection of the banks of Eel River against winter floods, and making an appropriation therefor.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 147—An Act to add a new section to the Political Code, to be numbered —, relating to the taxes of this State, and to provide for the cancellation of tax liens on certain State lands.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 148—An Act to amend an Act, approved February 28, 1887, entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Code Revision.

Also: Senate Bill No. 149—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Coggins: Senate Bill No. 150—An Act to amend Sections 628, 629, 632, 635, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Hahn: Senate Bill No. 151—An Act to amend Sections 10 and 11 of an Act to provide for the organization and management of county fire insurance companies.

Bill read first time, and referred to Committee on County Government.

By Senator Curtin: Senate Bill No. 152—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Oneal: Senate Bill No. 153—An Act to appropriate money to pay the claim of F. W. Moore, for blankets supplied the State militia for the State of California during the Spanish-American war.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 154—An Act to amend an Act entitled "An Act for the protection of children, and to prevent and punish wrongs to children," approved March 29, 1878, by amending Sections 1 and 3 thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 155—An Act to amend Section 1489 of the Political Code, relating to the powers and duties of Boards of Trustees of the Normal Schools in the State of California.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 156—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

Bill read first time, and referred to Committee on County Government.

RECESS.

At eleven o'clock and thirty-five minutes A. M., on motion of Senator Smith, the Senate was declared at recess until two o'clock and thirty minutes P. M. of this day.

RECONVENED.

At two o'clock and thirty minutes P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Byrnes, Caldwell, Corlett, Curtin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muerter, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward 32.

Quorum present.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

The following bills, etc., were introduced:

By Senator Caldwell: Senate Bill No. 157—An Act to amend an Act entitled "An Act to promote the horticultural interests of the State, by providing County Boards of Horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

Also: Senate Constitutional Amendment No. 7—Proposed amendment to Article I of the Constitution of the State of California, relating to offenses.

Referred to Committee on Constitutional Amendments.

By Senator Leavitt: Senate Bill No. 158—An Act amending Section 1874 of the Political Code, providing for and designating who shall constitute a board to be known as "The State Text-Book Commissioners"; authorizing revision, compilation and manufacture of State school text-books; prescribing the duties of said commissioners relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books; providing a royalty fund; authorizing the payment of royalties and the hire or purchase of plates of copyright matter, and for the performance of such other acts as may be necessary to procure a meritorious uniform series of school text-books; granting powers, subject to the approval of the State Board of Education, to said commissioners to prescribe and enforce the use of such school text-books, and to adopt a list of books from which County, and City and County Boards of Education must select books for supplementary use in the primary and grammar schools and for district school libraries; prescribing books for use in various branches of study taught in the primary and grammar schools; providing the penalty for failure to use the State series of school text-books; authorizing said commissioners to appoint a secretary; prescribing the duties of such secretary and fixing his compensation; prescribing the duties of Superintendent of Public Instruction upon the publication or revision and adoption of a book or a number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation to be known as the text-book appropriation, and specifying the purposes for which it may be expended; directing of what funds the State school book fund shall consist, and prescribing the use of the moneys in said fund.

Bill read first time, and referred to Committee on Education.

By Senator Welch: Senate Concurrent Resolution No. 5—Relative to approving seven certain amendments to the charter of the City and County of San Francisco.

Referred to Committee on Municipal Corporations.

By Senator Smith: Senate Concurrent Resolution No. 6—Relative to receiving President of the United States.

Referred to Committee on Contingent Expenses and Mileage.

By Senator Ralston: Senate Bill No. 159—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same.

Bill read first time, and referred to Committee on Corporations.

By Senator Welch: Senate Bill No. 160—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of this State.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 161—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

Bill read first time, and referred to Committee on Education.

By Senator Curtin: Senate Bill No. 162—An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Pendleton: Senate Bill No. 163—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 164—An Act to provide for the payment of the salary of the secretary of the State Engineer for the fortieth, forty-first, and forty-second fiscal years.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 165—An Act to amend Section 1818 of the Political Code, relating to the duties of Boards of Supervisors in levying county school tax.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 166—An Act to amend Section 1817 of the Political Code, relating to the duties of County Superintendents of Schools.

Bill read first time, and referred to Committee on Education.

By Senator Tyrrell of San Francisco: Senate Constitutional Amendment No. 8—Proposed amendment to Article VI of the Constitution, relative to the salaries of Justices of the Supreme Court and Judges of the Superior Courts, and the manner of payment thereof.

Referred to Committee on Constitutional Amendments.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Muenter:

Resolved, That each Senator be and he is hereby permitted to place the names of four newspapers on the list, and that the Press Mailing Clerks mail to such papers one copy each of all printed bills and resolutions.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

REPORT OF JOINT COMMITTEE.

The following report of Joint Committee was received and read:

We, your Joint Committee, appointed to draw up resolutions of respect to the memory of the late Hon. L. J. Dwyer, beg leave to report as follows:

WHEREAS, By the death of the Hon. L. J. Dwyer, recently a member of the Senate of the State of California from the Nineteenth District, this State has lost one of its foremost citizens—one who, as a legislator, devoted his entire time and every effort to intelligently, faithfully, and honestly performing the duties of his office; and,

WHEREAS, The people of this State have benefited by his intelligent service and exemplary life, both as officer and private citizen; therefore, be it

Resolved by the Senate of the State of California, That we deplore the loss of our former esteemed colleague and extend to the bereaved family our sincere sympathy;

That the Secretary of the Senate be instructed to transmit to the family of the deceased an engrossed copy of these resolutions, duly attested;

Resolved further, That when adjournment is taken this day, it be a mark of respect to his memory.

RICHARD J. WELCH,
T. H. SELVAGE,
J. M. PLUNKETT,
E. A. AMERIGE,
WARREN M. JOHN,
CHAS. A. SISKRON,
Committee.

The above report and resolutions were unanimously adopted by a rising vote of the Senate.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received and read:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 15, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the Secretary of the Senate be instructed to purchase for the use of the Senate the necessary Keystone binders for Senate and Assembly bills and journals.

Resolved, That the Secretary of the Senate be and is hereby authorized and directed to purchase for the Senate four dozen Royal index files.

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate for the sum of \$200 in favor of J. Louis Martin, Sergeant-at-Arms, the same to be expended by him in partly refurnishing the office of the Lieutenant-Governor in the State Capitol.

Resolved, That requisitions on Secretary of State for stationery be limited to \$30 each for the Committees on Finance and Judiciary, and to \$10 each for all other standing committees; each committee requisition to be signed by the chairman thereof.

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby instructed to procure for the use of the Senate committees thirty-four tin office-boxes.

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to purchase the necessary number of bill and journal files for the use of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—32.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, January 15, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the Secretary of the Senate be and he is hereby authorized to purchase for the use of the members of the Senate, forty-five copies of Henning's pocket edition of the Constitution of California, and Deering's California Codes and General Laws—latest publications—the same to be paid for out of the Contingent Fund of the Senate. The Controller is directed to draw his warrant in payment of the same in favor of the Secretary of the Senate, and the Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hubbell, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, and Welch—29.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, January 15, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the Secretary of Senate be and is hereby authorized and instructed to substitute the name of L. D. Hall, on the payroll as Gatekeeper, for F. F. Kingsbury, and that the Controller is hereby directed to draw his warrant in favor of F. F. Kingsbury for any moneys now due L. D. Hall.

Have had the same under consideration, and respectfully report the same back, and recommend that the following substitute be adopted:

Resolved, That the Secretary of Senate be and is hereby authorized and instructed to substitute the name of F. F. Kingsbury, on the payroll as Gatekeeper, for L. D. Hall, and that the Controller is hereby directed to draw his warrant in favor of F. F. Kingsbury for any money now due L. D. Hall."

Resolved, That the Secretary of Senate be and he is hereby authorized and instructed to substitute the name of M. Bigelow, on the payroll as Assistant Postmaster, for Mrs. M. Bigley, Assistant Postmistress, and that the Controller is hereby directed to draw his warrant in favor of Mrs. M. Bigley for any moneys now due M. Bigelow.

And, also, that the following substitute be adopted:

Resolved, That the Secretary of Senate be and he is hereby authorized and instructed to substitute the name of Mrs. M. Bigley, on the payroll as Assistant Postmistress, for M. Bigelow, Assistant Postmaster, and that the Controller is hereby directed to draw his warrant in favor of Mrs. M. Bigley for any moneys now due M. Bigelow."

Resolved, That the Secretary of the Senate be and is hereby authorized and instructed to substitute the name of Mrs. Scott, on the payroll as Committee Clerk, for Mrs. Ida Coleman, and that the Controller is hereby directed to draw his warrant in favor of Mrs. Ida Coleman for any moneys now due Mrs. Scott.

Have had the same under consideration and respectfully report the same back, and recommend that the following substitute be adopted:

Resolved, That the Secretary of the Senate be and he is hereby authorized to substitute the name of Mrs. Ida Coleman, on the payroll as Committee Clerk, for Mrs. Scott, and that the Controller is hereby directed to draw his warrant in favor of Mrs. Ida Coleman for any moneys now due Mrs. Scott."

Resolved, That the Secretary of Senate be and is hereby authorized and instructed to substitute the name of William O'Connor, on the payroll as Gallery Doorkeeper, for Frank Connelly, and that the Controller is hereby directed to draw his warrant in favor of Frank Connelly for any moneys now due William O'Connor.

And, also, that the following substitute be adopted:

Resolved, That the Secretary of Senate be and he is hereby authorized and instructed to substitute the name of Frank Connelly, on the payroll as Gallery Doorkeeper, for William O'Connor, and that the Controller is hereby directed to draw his warrant in favor of Frank Connelly for any moneys now due William O'Connor."

Resolved, That the Secretary of Senate be and is hereby authorized and instructed to substitute the name of C. B. Olmstead, on the payroll as Stenographer, for Elinor Manson, and that the Controller is hereby directed to draw his warrant in favor of Elinor Manson, for any moneys now due C. B. Olmstead.

Have had the same under consideration, and respectfully report the same back, and recommend that the following substitute be adopted:

"Resolved, That the Secretary of Senate be and he is hereby authorized and instructed to substitute the name of Elinor Manson, on the payroll as Stenographer, for C. B. Olmstead, and that the Controller is hereby directed to draw his warrant in favor of Elinor Manson for any moneys now due C. B. Olmstead."

Resolved, That the following-named persons be allowed the sums set opposite their names, respectively, for services rendered this Senate during its organization, the same being payable out of the Contingent Fund of the Senate:

George Byron, Assistant at Desk, 4 days.....	\$24 00
I. S. Logan, Assistant at Desk, 2 days.....	12 00
C. S. MacMullen, Assistant at Desk, 4 days.....	24 00
Louis U. Hoin, Messenger, 3 days.....	9 00
J. E. Atkinson, Messenger, 4 days.....	12 00
John Carew, Assistant Minute Clerk, 2 days.....	12 00
Al. Dillon, Mail Messenger, 3 days.....	9 00
J. P. Frazier, Porter, 3 days.....	9 00
L. C. Robinson, Porter, 3 days.....	9 00
Frank Rogers, Porter, 3 days.....	9 00
L. T. Jacobs, Porter, 3 days.....	9 00
W. H. Frazier, Porter, 5 days.....	15 00
J. C. Carter, Porter, 5 days.....	15 00
J. G. McCall, Assistant Sergeant-at-Arms, 5 days.....	25 00
J. T. Cullen, 1 day.....	3 00

Have had the same under consideration, and respectfully report the same back, and recommend that the following substitute be adopted:

Resolved, That the following-named persons be allowed the sums set opposite their names, respectively, for services rendered this Senate during its organization, the same being payable out of the Contingent Fund of the Senate:

George Byron, Assistant Secretary, 3 days.....	\$18 00
I. S. Logan, Assistant Secretary, 2 days.....	12 00
C. S. MacMullen, Assistant Secretary, 3 days.....	18 00
Louis U. Hoin, Messenger, 2 days.....	6 00
J. E. Atkinson, Messenger, 3 days.....	9 00
John Carew, Assistant Minute Clerk, 2 days.....	12 00
Al. Dillon, Mail Messenger, 3 days.....	9 00
J. P. Frazier, Porter, 3 days.....	9 00
L. C. Robinson, Porter, 2 days.....	6 00
Frank Rogers, Porter, 2 days.....	6 00
L. T. Jacobs, Porter, 3 days.....	9 00
W. H. Frazier, Porter, 5 days.....	15 00
J. C. Carter, Porter, 5 days.....	15 00
J. G. McCall, Assistant Sergeant-at-Arms, 5 days.....	25 00

FLINT, Chairman.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Devlin, Diggs, Emmons, Flint, Greenwell, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Smith, Ward, Welch, and Woodward—27.

NOES—None.

LEAVE OF ABSENCE.

Senator Shortridge was, on motion of Senator Belshaw, excused for the day.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Flint:

Resolved, That the Secretary of the Senate be and is hereby authorized and instructed to substitute the name of Miss Myrtle Barre on the payroll as Committee Clerk for A. Williams, and that the Controller is hereby directed to draw his warrant in favor of Miss Myrtle Barre for any moneys now due A. Williams.

Resolution read and adopted.

MOTION TO ADJOURN UNTIL MONDAY, JANUARY 19, 1903.

Senator Lukens moved that when the Senate adjourns it do so until eleven o'clock and thirty minutes of Monday, January 19, 1903, and

referred to the Journal of January 8, 1891, page 25, as a precedent for his motion, and announced that the Attorney-General of the State had rendered an opinion upholding such adjournment, and that the Controller of the State had been guided by the opinion of the Attorney-General in issuing warrants for the per diem of Senators.

POINT OF ORDER.

Senator Devlin raised the point of order that the adjournment would be for a greater time than three days, and, therefore, in violation of the Constitution.

The President declared that, inasmuch as the opinion of the Attorney-General was on file upholding such adjournment, the point of order was not well taken.

AMENDMENT.

Senator Belshaw moved to amend the motion of Senator Lukens by striking out "eleven o'clock and thirty minutes of Monday" and inserting "eleven o'clock of Sunday."

Amendment adopted.

The question being on the adoption of the motion as amended, the same was carried.

LEAVES OF ABSENCE.

Senator Diggs was, on his own motion, granted leave of absence until Monday, January 19, 1903.

Senator Hahn was, on his own motion, granted leave of absence until Monday, January 19, 1903.

Senator Oneal was, on his own motion, granted leave of absence until Monday, January 19, 1903.

Senator Tyrrell of San Francisco was, on his own motion, granted leave of absence until Tuesday, January 20, 1903.

Senator Lardner was, on his own motion, granted leave of absence until Monday, January 19, 1903.

Senator Belshaw was, on his own motion, granted leave of absence until Tuesday, January 20, 1903.

Senator Welch was, on his own motion, granted leave of absence until Monday, January 19, 1903.

Senator Corlett was, on his own motion, granted leave of absence until Monday, January 19, 1903.

Senator Caldwell was, on his own motion, granted leave of absence until Monday, January 19, 1903.

Senator Nelson was, on his own motion, granted leave of absence until Monday, January 19, 1903.

Senator Lukens was, on his own motion, granted leave of absence until Monday, January 19, 1903.

Senator Muentner was, on his own motion, granted leave of absence until Monday, January 19, 1903.

Senator Curtin was, on his own motion, granted leave of absence until Monday, January 19, 1903.

Senator Williams was, on his own motion, granted leave of absence until Monday, January 19, 1903.

Senator Emmons was, on his own motion, granted leave of absence until Monday, January 19, 1903.

Senator Hubbell was, on his own motion, granted leave of absence until Monday, January 19, 1903.

Senator Ward was, on his own motion, granted leave of absence until Monday, January 19, 1903.

ADJOURNMENT.

Senator Ralston moved that the Senate adjourn until eleven o'clock A. M. of Sunday, January 18, 1903.

Motion carried.

Whereupon the President declared the Senate adjourned, out of respect to the memory of the late Hon. L. J. Dwyer, recently a member of the Senate of the State of California from the Nineteenth District, until Sunday, January 18, 1903, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Sunday, January 18, 1903. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bunkers, Coggins, Devlin, Flint, Hahn, Hubbell, Knowland, Muentner, Selvage, Tyrrell of San Francisco, Ward, and Woodward—12.

ADJOURNMENT.

At eleven o'clock and five minutes A. M., it appearing by the roll call that no quorum was present, the President pro tem. declared the Senate adjourned until Monday, January 19, 1903, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Monday, January 19, 1903. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF JOURNALS.

The Journals of Tuesday, January 13th, Thursday, January 15th, and Sunday, January 18, 1903, were read.

APPROVAL OF JOURNALS.

The Journals of Wednesday, January 14th, Thursday, January 15th, and Sunday, January 18, 1903, having been previously read and corrected, were approved.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 1—Relative to House Resolution 14,898, entitled "An Act relating to jurisdiction on appeals in the Court of Appeals in the District of Columbia, and transcripts on appeal in said court, and to quiet title to public lands."

CLIO LLOYD, Chief Clerk,
By C. A. THOMPSON, Assistant.

Senate Joint Resolution No. 1 ordered to enrollment.

RESOLUTION.

The following resolution was offered:

By Senator Pendleton:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby instructed to purchase for the use of the members of the Senate forty-five copies of Fairall's Criminal Law and Procedure and Penal Code, the same to be paid for out of the Contingent Fund of the Assembly.

Resolution referred to Committee on Contingent Expenses and Mileage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 19, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That each Senator be and he is hereby permitted to place the names of four newspapers on the list, and that the Press Mailing Clerks mail to such papers one copy each of all printed bills and resolutions.

Have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

FLINT, Chairman.

Report and resolution read and adopted.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Senator Leavitt: Senate Bill No. 167—An Act to reimburse the Durham Fund for money borrowed from said fund by the Directors of the Deaf, Dumb, and Blind Asylum, and expended in erecting a hospital for the safety and comfort of the pupils of said asylum.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 168—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 169—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ward: Senate Bill No. 170—An Act to prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses for the purpose of gambling, playing cards, billiards, pool, or any game of chance.

Bill read first time, and referred to Committee on Public Morals.

By Senator Diggs: Senate Bill No. 171—An Act to establish the Northern California Polytechnic School in the Sacramento Valley, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 172—An Act to amend Chapter III, Title III, Part II, of the Penal Code of California, relating to magistrates, by changing the title thereof to "magistrates," and substituting new sections for Sections 806 and 809 thereof and adding a new section thereto.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 173—An Act to amend Sections 811, 812, 813, 814, 816, 817, 818, 819, 827, of Chapter IV, Title III, Part II, of the Penal Code of California, relating to warrants of arrest.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 174—An Act to amend Sections 858, 861, 870, 871, 877, 878, repealing Section 864 and adding 884 and 885 of Chapter VII, Title III, Part II, of the Penal Code of California, relating to preliminary examinations before magistrates.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 175—An Act to amend Sections 948, 952, 954, 960, 965, and 966 of Chapter II, Title V, Part II, of the Penal Code of California, relating to pleadings in criminal actions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 176—An Act to amend Section 1258 of the Penal Code of California, and to add thereto a new section, to be known as Section 1256, both relating to appeals.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 177—An Act to amend Section 1404 of the Penal Code of California, relating to error in pleadings and proceedings.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 178—An Act to amend Section 687 of the Penal Code of California, relating to a second prosecution for a public offense.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 179—An Act to add a new section to the Penal Code of California, to be known as Section 1405, relating to estoppel in criminal action.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 180—An Act to add two new sections to the Penal Code of California, namely, Sections 1132 and 1133, relating to variance.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 181—An Act to amend Section 1326 of the Penal Code of California, relating to subpoenas.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hubbell: Senate Bill No. 182—An Act to amend Section 90, Section 91, and Section 92 of the Civil Code of the State of California, relating to the dissolution of marriages and providing for the granting of divorces; and Section 281 of the Penal Code of the State of California, relating to bigamy.

Bill read first time, and referred to Committee on Judiciary.

By Senator Coggins: Senate Bill No. 183—An Act to provide for purchasing land for the State fish hatchery at Sisson, Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Oneal: Senate Bill No. 184—An Act appropriating money for the purchase of library, museum, and scientific apparatus for the State Normal School at San José.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 185—An Act appropriating money for the building of a library and six additional classrooms, and for the furniture, equipments, heating and ventilating apparatus for the same, for the State Normal School at San José.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 186—An Act appropriating money for the painting and repairing of the interior of the buildings of the State Normal School at San José.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 187—An Act appropriating money for the building, furnishing, and equipping of a gymnasium at the State Normal School at San José.

Bill read first time, and referred to Committee on Education.

By Senator Savage: Senate Bill No. 188—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a fireman's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Nelson: Senate Bill No. 189—An Act making appropriation of the sum of \$10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Shortridge: Senate Bill No. 190—An Act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection and maintenance, within this State,

of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State, suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887.

Bill read first time, and referred to Committee on Judiciary.

By Senator Bauer: Senate Bill No. 191—An Act to amend Section 1633 of the Code of Civil Procedure, relating to the giving of notice upon the settlement of the accounts of executors or administrators.

Bill read first time, and referred to Committee on Judiciary.

By Senator Luchsinger: Senate Bill No. 192—An Act authorizing the appointment of a notary public in the City and County of San Francisco, to reside and transact notarial duties at Yerba Buena Island, or Goat Island, in the Bay of San Francisco, in addition to the number of notaries now authorized by law for said city and county.

Bill read first time, and referred to Committee on Judiciary.

By Senator Williams: Senate Bill No. 193—An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage, by the State Board of Examiners, to appropriate money therefor, and to state the time when such portrait must be commenced.

Bill read first time, and referred to Committee on Finance.

By Senator Knowland: Senate Bill No. 194—An Act to enforce the educational rights of children, and providing penalties for violation of the Act.

Bill read first time, and referred to Committee on Education.

By Senator Curtin: Senate Bill No. 195—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof.

Bill read first time, and referred to Committee on Irrigation.

By Senator Hubbell: Senate Constitutional Amendment No. 9—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 1 of Article IV, providing a system of direct legislation in the State of California, by means of the initiative and referendum.

Introduced, and referred to Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 10—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XI, by adding thereto a new section to be numbered Section 20, providing a system of direct legislation by means of the initiative and referendum, in counties, cities and counties, and cities.

Introduced, and referred to Committee on Constitutional Amendments.

RESOLUTION.

The following resolution was offered :

By Senator Eminons:

WHEREAS, We, the representatives of the people in the Senate of the State of California, are sent here as trustees of an express trust; and

WHEREAS, One portion of our trust is the expenditure of the money of the people of the State of California; and

WHEREAS, We, as such trustees, are supposed to represent our constituents and keep expenditures of the trust fund in our custody within proper limits; and

WHEREAS, It appears that we have to-day in the Senate of the State of California one hundred and eighty attachés to do the work that fifty attachés could properly do; and

WHEREAS, It is currently rumored and reported that a large number of these attachés have had no other physical exertion than signing powers of attorney to draw their pay from the State; therefore, be it

Resolved by the Senate, That a special committee of three be appointed by the President of the Senate to investigate the standing of all attachés of the Senate, and that said committee have power to send for persons and papers, that the true standing of all attachés may be ascertained; and be it further

Resolved, That the author of this resolution be not on the committee.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, Hubbell, Lardner, Luchsinger, Lukens, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Ward, and Woodward—20.

NOES—Senators Bauer, Byrnes, Devlin, French, Greenwell, Hahn, Knowland, Leavitt, Muentner, Nelson, Oneal, Pendleton, Shortridge, Tyrrell of San Francisco, Williams, and Wolfe—16.

LEAVE OF ABSENCE.

Senator Pendleton was, on his own motion, granted a leave of absence until Wednesday, January 21, 1903.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee on election contest, Hubbard vs. Coggins, was received:

WHEREAS, The special committee on election contest, Hubbard vs. Coggins, has had referred for its consideration the papers in said case of contested election; and

WHEREAS, At a meeting of the said committee it became apparent that it will probably be necessary to subpoena witnesses to bring records and papers in order to properly determine the merits of said contest; and

WHEREAS, It will be necessary to employ a competent stenographer and certain clerical help during the hearing of such contested election case;

Resolved, That the said special committee is hereby authorized and empowered to send for persons and papers and take testimony to ascertain the facts in the matter of said contest, and the Sergeant-at-Arms is hereby instructed to subpoena such witnesses as the chairman of said committee shall designate, such subpoena to be signed by the chairman of said special committee; and be it further

Resolved, That the said special committee is hereby authorized to employ a stenographer and such clerical assistance as they deem necessary during the hearing of said contest.

Report read and adopted.

ADJOURNMENT.

At eleven o'clock and forty minutes A. M., on motion of Senator Leavitt, the Senate adjourned until eleven o'clock A. M. of Tuesday, January 20, 1903.

IN SENATE.

SENATE CHAMBER,

Tuesday, January 20, 1903. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names :

Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luch-singer, Lukens, Muentzer, Nelson, Oneal, Ralston, Rowell, Sanford, Savage, Selva-ge, Short-ridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—37.

Quorum present.

LEAVES OF ABSENCE.

Senator Belshaw was granted a leave of absence for the day, on motion of Senator Caldwell.

Senator Devlin was granted a leave of absence for one hour, on motion of Senator Flint.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF JOURNAL.

The Journal of Monday, January 19, 1903, was read.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of special order heretofore set for this hour—being the consideration of Senate Joint Resolution No. 3, relative to Omnibus Statehood bill, now pending in Congress—having arrived, the same was taken up.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 19, 1903.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 3—Relative to the Omnibus Statehood bill now pending in Congress—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

HAHN, Chairman.

ON FEDERAL RELATIONS—(MINORITY REPORT).

MR. PRESIDENT: As a minority report of this Senate resolution, I beg leave to submit the following:

The Omnibus Statehood bill now before the Congress of the United States has for its object the admission of three Territories into the sisterhood of States. For years past these Territories have been knocking at the doors of Congress asking for their admit-tance, and their appeal has been ignored; not for reason of lack of population, for some of our States now have less population than are contained in any one of those now

appealing for recognition, but solely on the ground of political advantage or disadvantage is their petition refused. They have all the qualifications that have heretofore been held necessary, to wit: territory, population, and assessed value, but of late years a new qualification has been added—the political bias of the applicant must be approved by the party in power. This last qualification seems to me to smack too much of ward politics to address itself to the serious consideration of the Senate of California. We of the Senate, sitting in calm consideration on the claims of the petitioners, should be solely influenced by the merits of the applicants and the justice of their cause. Viewed in this manner, we find that the National platform of the Republican party demands their admittance. The State platform of the Republican party demands their admittance. Those who love justice ask for their admittance, and California, if permitted to speak, would demand their admittance. Against this we find that it is being urged that it is not certain how the new States will stand politically.

Can it be possible that, bound as we are, socially and geographically, with Arizona, New Mexico, and Oklahoma, we will allow temporary political advantage to bar the door to well-founded demands of our neighbors? Can it be possible that a Republican Senate will attempt to set aside the solemn pledges of a National as well as a State platform? I, as a member of the minority, do not think that the Senate of the State of California will, at the behest of ill-advised counselors, repudiate the pledges and promises made by you to the people.

E. J. EMMONS.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 3 refused adoption by the following vote:

AYES—Senators Bunkers, Curtin, Diggs, Emmons, Sanford, Shortridge, and Tyrrell of Nevada—7.

NOES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Ralston, Rowell, Selvage, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—26.

PETITIONS.

Senator Lardner presented the following petitions, which were ordered printed in the Journal:

PETITION FOR A SUNDAY LAW.

To the Honorable the Senate and Assembly of the State of California:

We, the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest, by prohibiting, with adequate penalties, all unnecessary labor and business, Seventh Day worshippers excepted, and all barbarous, unseemly, or noisy amusements.

The above was indorsed by vote by a meeting of First Congregational Church, about seventy-five present, in the town of Auburn, State of California, on January 11, 1903, and the undersigned was authorized to so attest.

CORA L. BALL, Clerk, presiding.

PETITION FOR A SUNDAY LAW.

To the Honorable the Senate and Assembly of the State of California:

We, the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest, by prohibiting, with adequate penalties, all unnecessary labor and business, Seventh Day worshippers excepted, and all barbarous, unseemly, or noisy amusements.

The above was indorsed by vote by a meeting of M. E. Church, in the town of Sheridan, State of California, on January 19, 1903, and the undersigned were authorized to so attest.

REV. D. W. CHILSON, Presiding.

One half the congregation voted in favor, one half refrained from voting, and one voted against.

L. B. HINMAN, Secretary (appointed).

ALICE B. HINMAN, County Superintendent Sabbath Observation.

ADDIE P. ROGERS, Local Superintendent Sabbath Observation.

BILL RECALLED FROM ENROLLMENT.

On motion of Senator Lukens, Senate Bill No. 1 was recalled from enrollment for the purpose of correcting a clerical error.

The bill having been returned from enrollment, on motion of Senator Lukens, the Secretary was directed to insert the word "to" after the word "fund" in line two of the bill.

Senate Bill No. 1 reordered to enrollment.

RESOLUTIONS.

The following resolutions were offered:

By Senator Wolfe:

Resolved, That the Rules of the Senate be amended so as to include the San Francisco Delegation as a standing committee, to which all matters pertaining to the interests of San Francisco shall be referred.

Resolved, That the said committee be allowed a Clerk at \$4 per diem.

Resolution read and referred to Committee on Rules.

By Senator Muentner:

Resolved, That Senators Muentner, Pendleton, and Smith, of the Committee on Hospitals and Asylums; Senators Tyrrell of Nevada, and Knowland, of the Committee on Prisons and Reformatories; Senators Rowell, Selvage, and Sanford, of the Committee on Finance; and Senators Lardner and Tyrrell of San Francisco, of the Committee on Health and Quarantine, and Senator Welch and Senator Caldwell, be and they are hereby granted a leave of absence for one week for the purpose of visiting the State School at Whittier, the Normal School at Los Angeles, the State Hospital at Patton, the Normal School at San Francisco, and the Normal School and Quarantine Station at San Diego, in order that the needs of these various institutions may be thoroughly inquired into and reported upon to the Senate, and that they be allowed their actual expenses.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Curtin, Diggs, French, Greenwell, Knowland, Lardner, Muentner, Nelson, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—23.

NOES—Senators Emmons, Flint, Hahn, Hubbell, Leavitt, Lukens, Oneal, Shortridge, and Woodward—9.

ANNOUNCEMENT BY PRESIDENT.

The President announced that he had received a communication from the Attorney-General, and the same was ordered printed in the Journal.

STATE OF CALIFORNIA, OFFICE OF ATTORNEY-GENERAL, }
SACRAMENTO, CAL., January 20, 1903. }

To the Senate and Assembly of the State of California:

Pursuant to the requirements of Section 4 of an Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled "An Act fixing the bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein, approved March 23, 1901, I have the honor to transmit herewith a report of judgments recovered against the State under the provisions of said Act.

It will be observed from this report that the total amount sued for in cases in which judgments have been recovered against the State is \$254,010, and that the aggregate amount for which judgments have been recovered in said actions is the sum of \$213,000.

It will be further observed that in the case of Bauer vs. State, in the Superior Court of Sacramento County, upon a demand for \$11,770, judgment was recovered in favor of the State, thus saving to the State the further sum of \$11,770.

Two cases involving \$1,335 are unreported and remain yet to be tried.

Respectfully submitted.

U. S. WEBB, Attorney-General.

Judgments Against the State in so-called "Coyote Scalp" Cases.

Plaintiff.	Court.	Date of Judgment.	Amount of Judgment.	Amount Sued for.
Bank of Commerce	San Diego	Apr. 24, 1902	\$1,320	\$1,320
Bickerdike, Charles	Sacramento	Dec. 20, 1902	59,680	72,330
Boyd, Maggie L.	Fresno	Jan. 6, 1903	190	190
Brown, Oscar R.	Mono	Sept. 20, 1902	1,035	1,040
Commercial Bank of Madera	Fresno	Jan. 9, 1903	3,670	3,825
Conway, George	Merced	Nov. 25, 1902	290	290
Corey, M. D.	San Diego	Apr. 24, 1902	3,195	3,195
Dowda, G. W.	Fresno	Jan. 3, 1903	3,840	3,845
Farmers' Exchange Bank of San Bernardino	San Bernardino	Apr. 25, 1902	2,365	2,365
Forster, M. A.	Orange	Apr. 9, 1902	550	550
French, James	Sacramento	Dec. 1, 1902	355	390
Going, William	Amador	Dec. 15, 1902	550	580
Guy, W. R.	San Diego	Apr. 24, 1902	8,655	9,435
Hakes Investment Co.	San Diego	Apr. 24, 1902	5,880	5,880
Henderson, Eli	Fresno	Jan. 3, 1903	6,880	7,295
Hooper, W. S.	Sacramento	Dec. 20, 1902	4,450	5,310
Hornage, George	San Joaquin	Sept. 20, 1902	465	465
Jones, Julia H.	San Francisco	Apr. 8, 1902	600	600
Lauer, Benjamin	Modoc	Feb. 13, 1902	6,770	6,770
Lauer, Benjamin	Modoc	Feb. 13, 1902	55	55
Laird, James T.	Modoc	Feb. 13, 1902	2,400	2,500
Leonard, George	Sacramento	Dec. 20, 1902	1,040	1,040
Lightner, A. T.	Sacramento	Dec. 20, 1902	4,810	4,810
Marquez, R. P.	Orange	Apr. 2, 1902	140	140
National Bank of D. O. Mills	Sacramento	Dec. 6, 1902	46,980	49,680
Palmer, Charles A.	Sacramento	Dec. 20, 1902	460	485
Potter, Robert R.	Tuolumne	Nov. —, 1902	1,315	1,335
Producers' Bank	Tulare	Dec. 30, 1902	14,320	14,720
Pryor, John F.	Sacramento	Dec. 20, 1902	3,550	3,360
Quirolo, Joseph	Amador	Dec. 6, 1902	370	385
Raggio, John	Calaveras	Dec. 4, 1902	1,125	1,125
S. F. Law and Collection Co.	Sacramento	Dec. 26, 1902	*8,875	28,685
S. F. Law and Collection Co.	Sacramento	Dec. 26, 1902		1,070
Shaw, R.	San Benito	Nov. 30, 1902	3,730	3,730
Tucker, John E.	Merced	Dec. 20, 1902	185	185
Tucker, John E., Administrator	Merced	Dec. 20, 1902	400	400
Waite, L. C.	Sacramento	Dec. 20, 1902	410	685
Waldron, W. B.	Sacramento	Dec. 20, 1902	3,835	4,840
Weaver, C. A.	Sacramento	Dec. 20, 1902	815	1,100
Weisbaum, E.	Sacramento	Dec. 20, 1902	2,085	2,545
Weisbaum, N.	Sacramento	Dec. 20, 1902	590	645
Weisbaum, N.	San Francisco	Dec. 29, 1902	640	640
Williams, Charles	Butte	Nov. 17, 1902	500	500
Wood, W. L.	Sacramento	Jan. 12, 1903	2,385	2,565
Wood, W. L.	Sacramento	Jan. 12, 1903	45	75
Zirker, M.	Merced	Nov. 25, 1902	1,000	1,035
Totals			\$213,000	\$254,010

* NOTE—The two suits entitled San Francisco Law and Collection Co. vs. The State, etc., were consolidated, and judgment for the amount indicated was rendered in the consolidated cases.

Total amount sued for, as above	\$254,010
Total amount recovered, as above	213,000

Amount disallowed, on trial of causes	\$41,010
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Judgment in favor of State, in case of Bauer vs. State, in Superior Court of Sacramento County, July 23, 1902	11,770
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Total amount saved to State	\$52,780
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APPOINTMENT OF SPECIAL COMMITTEE.

The President announced that, in accordance with a resolution adopted yesterday, he had appointed Senators Knowland, Caldwell, and Plunkett as a committee to investigate attachés.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 19, 1903.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 18—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to the Committee on Finance, and considered jointly by both committees.

LUCHSINGER, Chairman.

Senate Bill No. 18 referred to Committee on Finance.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 19, 1903.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Bill No. 14—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HAHN, Chairman.

Senate Bill No. 14 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Wolfe: Senate Bill No. 196—An Act to amend Section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 197—An Act to amend Section 595 of the Civil Code of the State of California, relating to the amount of real estate that may be held or owned by any corporation having the care, custody, control, and maintenance of orphans or half-orphans.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 198—An Act relating to the Justices' Courts in cities and counties of more than one hundred thousand population, and providing for the appointment of a Justices' Clerk and his assistants, prescribing their duties, and fixing their compensation.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination

and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employes who shall violate, or attempt or threaten to violate, the provisions of this Act.

Bill read first time, and referred to Committee on Corporations.

By Senator Hahn: Senate Bill No. 200—An Act to amend Section 1379 of the Code of Civil Procedure, relating to the petition for letters testamentary and of administration, and action thereon.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 201—An Act to amend Section 626 of the Penal Code, relating to the preservation of game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Smith: Senate Bill No. 202—An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904. Also, for preparing and printing literature relating to the State, for distribution at said exposition, and providing a commission, and expense of commission and attachés.

Bill read first time, and referred to Committee on Finance.

By Senator Pendleton: Senate Bill No. 203—An Act to amend Section 1593 of the Political Code of the State of California.

Bill read first time, and referred to Committee on Education.

By Senator Oneal: Senate Bill No. 204—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers, or warehousemen.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 205—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer, or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence.

Bill read first time, and referred to Committee on Corporations.

By Senator Shortridge: Senate Bill No. 206—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code) in that certain action in the Supreme Court of the State of California entitled County of San Luis Obispo vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, Chairman of the Board of Examiners of

the State of California; Charles F. Curry, member of the State Board of Examiners; Tirey L. Ford, member of the State Board of Examiners; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, numbered Sacramento, No. 1042; and also in that certain action commenced in the Superior Court of the State of California, in and for the County of Sacramento, and which was therein entitled County of Butte vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, Chairman of the State Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners of the State of California; Tirey L. Ford, member of the State Board of Examiners of the State of California; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, No. 9502; and also in those certain actions commenced in and decided by the Superior Court of the State of California, in and for the County of Sacramento, and which were therein entitled W. L. Wood vs. State of California, No. 9555; W. L. Wood vs. State of California, No. 9622; Charles Bickerdike vs. State of California, No. 9608; National Bank of D. O. Mills & Co. vs. State of California, No. 9616; J. J. Bauer vs. State of California, No. 9304; C. A. Weaver vs. State of California, No. 9609; A. T. Lightner vs. State of California, No. 9613; George Leonard vs. State of California, No. 9611; C. A. Pommer vs. State of California, No. 9610; L. C. Waite vs. State of California, No. 9612; W. S. Hooper vs. State of California, No. 9526; E. Weisbaum vs. State of California, No. 9615; J. F. Pryor vs. State of California, No. 9614; W. B. Waldron vs. State of California, No. 9617; San Francisco Law and Collection Co. vs. State of California, No. 9607; and also in that certain action in the Superior Court of the State of California, in and for the County of Sacramento, and which was therein entitled Samuel Davis vs. State of California, No. 6869; and also in that certain action in the Superior Court of the State of California, in and for the County of Sacramento, which was therein entitled Samuel Davis vs. State of California, No. 6871.

Bill read first time, and referred to Committee on Finance.

By Senator Muentert: Senate Bill No. 207—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Sanford: Senate Bill No. 208—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Bill read first time, and referred to Committee on County Government.

By Senator Savage: Senate Bill No. 209—An Act to amend an Act entitled "An Act to create a State Board of Accountancy, and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, by amending Section 2 thereof.

Bill read first time, and referred to Committee on Commissions, Retrenchment, and Reform.

Also: Senate Bill No. 210—An Act to amend Section 928 of the Penal Code, relating to the powers and duties of a grand jury.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 211—An Act to amend the Civil Code, by adding thereto a new section to be numbered three hundred and seventy-nine, relating to the publication of the financial condition of corporations (except banking and insurance companies, and building and loan societies).

Bill read first time, and referred to Committee on Corporations.

Also: Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XIII of the State Constitution, by adding thereto a new section to be numbered 1 $\frac{3}{4}$, relative to exemption of shipping from taxation.

Referred to Committee on Constitutional Amendments.

By Senator Coggins: Senate Bill No. 212—An Act to appropriate fifty-five dollars to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 213—An Act to appropriate \$6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Bill read first time, and referred to Committee on Finance.

By Senator Flint: Senate Joint Resolution No. 4—Relative to an appropriation by Congress for the purchase of Nacimiento Ranch for a military instruction camp.

Referred to Committee on Federal Relations.

By Senator Tyrrell of Nevada: Senate Bill No. 214—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the inspector of mines.

Bill read first time, and referred to Committee on Mining.

Also: Senate Bill No. 215—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 216—An Act entitled an Act to create fish and game districts.

Bill read first time, and referred to Committee on Fish and Game.

By Senator Welch: Senate Bill No. 217—An Act to repeal Section 772 of the Penal Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 218—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 219—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

Bill read first time, and referred to Committee on Education.

By Senator Caldwell: Senate Bill No. 220—An Act to amend the municipal corporation bill, entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," and approved March 13, 1883, so as to change the time of beginning the assessment in cities of the sixth class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Lukens: Senate Bill No. 221—An Act to repeal Section 772 of the Penal Code of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 222—An Act to pay the claim of Tirey L. Ford, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 223—An Act to add a new section to the Political Code, to be numbered 751a, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Bill read first time, and referred to Committee on Judiciary.

By Senator Williams: Senate Bill No. 224—An Act to appropriate the sum of \$1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Bill read first time, and referred to Committee on Finance.

By Senator Ralston (by request): Senate Bill No. 225—An Act to add a new section to the Penal Code, to be numbered ———, relating to the regulation of the marketing, identifying, manufacturing, and sale of products of crude petroleum used for illuminating and fuel purposes.

Bill read first time, and referred to Committee on Mining.

LEAVE OF ABSENCE.

Senator Wolfe was, on his own motion, granted a leave of absence until 12 o'clock M. of Wednesday, January 21, 1903.

AFFIDAVITS RELATIVE TO THE RELIEF OF SERGEANT-MAJOR EUGENE DE SPARR.

The following affidavits were presented by Senator Williams, and were ordered printed in the Journal, and referred to Committee on Military Affairs:

State of California, }
City and County of San Francisco. } ss.

EUGENE DE SPARR, being first duly sworn, deposes and says:

I am, and during all the times hereinafter mentioned I was, a citizen of the United States and of this State. Ever since the year 1876, I have been a member of the National Guard of California, and during all that time I have fulfilled all of my duties therein. Prior to that time I was in the regular army of the United States for a period of five years. On the 27th of June, 1901, the Second Brigade of the National Guard of California, and other forces of said National Guard, under the provisions of law, went into camp near the city of Santa Cruz. The said Second Brigade was under the command of Brigadier-General R. H. Warfield. On the said day, and during all the time of said encampment, I was an officer in said National Guard, and was a member of the staff of Brigadier-General R. H. Warfield, namely, of the Second Brigade staff, with the rank of Sergeant-Major.

On said 27th day of June, 1901, the said command was on the march, under command of said Brigadier-General R. H. Warfield, to whose person I was attached in the line of my duty as an officer of said staff; and while actually in the performance of my duty, at the time and place and under the circumstances aforesaid, I received and sustained serious bodily injury, in the manner and under the circumstances following:

The horse which was given to me to ride was a fractious, unruly, and dangerous animal, which fact however was unknown to me; and while riding said horse, and while in the actual performance of my duty as aforesaid, the said horse suddenly, and without any provocation, reared, and threw me violently to the ground, and while on the ground the said horse stepped upon my right hand and wrist, breaking two bones of the wrist, and the bones of two fingers of said right hand, and spraining and injuring the

thumb of said right hand. The breakage of the said wrist was a compound fracture, and the bones of the wrist and forearm were forced through my flesh, and through the skin, and the injury to my hand and wrist was of such character that I was totally incapacitated from pursuing my avocation or from earning my livelihood in any manner, for a period of about twenty-five weeks, besides which I was put to great expense for medical attendance, for nursing, medicines and appliances, etc., amounting to upward of two hundred (\$200.00) dollars, besides being unable, as before stated, to pursue my avocation, and being deprived from earning my usual and ordinary livelihood; in which connection, I state that I usually do earn, and had it not been for said accident I would have earned, the sum of thirty (\$30.00) dollars per week; besides which I was put to incidental expenses in the premises, and made to suffer incidental loss in the premises of one hundred and fifty (\$150.00) dollars, so that in addition to the suffering I have had to endure in this connection, I am actually out of pocket over eleven hundred (\$1100) dollars.

Furthermore, the injury which I then received is permanent, that is to say, while I am enabled to use my right hand to a certain extent, the said hand and wrist are permanently misshapen and crippled, and the said fingers so broken, as aforesaid, are permanently misshapen and stiffened all of which is a great injury to me, as my sole means of livelihood is by the exercise of manual dexterity. I am further informed and believe that in a few years I will be unable to use the said right hand at all. I therefore ask that the people of the State of California, through the Legislature, appropriate such sum as it may deem fit for my relief.

EUGENE DE SPARR.

Subscribed and sworn to before me, this 12th day of January, 1903.

CHAS. T. STANLEY,

Notary Public in and for the City and County of
San Francisco, State of California.

[SEAL.]

State of California, } ss.
City and County of San Francisco, }

R. H. WARFIELD, being first duly sworn, deposes and says:

I am, and at all the times hereinafter mentioned I was, a citizen of the United States and of this State, and a member of the National Guard of California, being a commissioned officer therein, to wit, being Brigadier-General of the Second Brigade thereof.

I am well acquainted with Sergeant-Major Eugene De Sparr, who has been a member of the National Guard of California ever since the year 1876. During all of his service in the National Guard, I know him to have been of exemplary character, and attentive to his duties.

On the 27th of June, 1901, he was a member of my staff, to wit, a member of the Second Brigade staff, with rank of Sergeant-Major. I have read his foregoing statement in regard to the accident and injury which he sustained on that day. I was present at the time of the said injury, and the statements contained in the foregoing affidavit of Sergeant-Major Eugene De Sparr with reference to the circumstances of said accident are correct. Of my own knowledge, I do not know how long he was disabled, but from my knowledge of the man and his character, I would say that any statement made by him in that connection was worthy of credence. I know Sergeant-Major De Sparr to be a most worthy and deserving man. I know that he has served faithfully in the National Guard for many years, readily, unhesitatingly, and efficiently. I know that the injuries he has received, were sustained by him while in the performance of his duties in said National Guard, and I believe him to be entitled to compensation and relief from the people of the State of California.

R. H. WARFIELD.

Subscribed and sworn to before me, this 12th day of January, 1903.

CHAS. T. STANLEY,

Notary Public in and for the City and County of
San Francisco, State of California.

[SEAL.]

State of California, } ss.
City and County of San Francisco, }

G. F. HANSON, being duly sworn, deposes and says:

I am, and at all the times hereinafter mentioned I was, a citizen of the United States and of this State, and a member of the National Guard of California. At all of said times, my profession has been that of physician and surgeon.

On the 27th day of June, 1901, I was a commissioned officer in the National Guard of California, being on the staff of Brigadier-General R. H. Warfield, that is to say, the Second Brigade staff, as a surgeon, with rank of Colonel. I have read the foregoing affidavit of Sergeant-Major Eugene De Sparr. I was present at the time of the accident mentioned by him in his affidavit. The statements made by him in said affidavit with respect to the circumstances under which his injuries were received, and the nature of those injuries, and the length of the disability caused thereby, and the permanent results thereof, are in each and every particular correct.

I do not know of my own knowledge as to the pecuniary loss sustained by Sergeant-Major Eugene De Sparr, but I know him to be a man of probity, and believe that any statement made by him in that regard is worthy of credence. I know that his total disability continued for the period stated by him in the foregoing affidavit, and I do know that his hand, wrist, and fingers can never be in as good condition as they were

before the accident occurred, and that to a certain extent they always will be crippled, and that he will lose his manual dexterity much earlier in life, owing to said accident and injury, than he otherwise would. I know Sergeant-Major Eugene De Sparr to be a most worthy and deserving man. I know that he has served faithfully in the National Guard for many years, readily, unhesitatingly, and efficiently. I know that the injuries he has received were sustained by him while in the performance of his duties in said National Guard, and I believe him to be entitled to compensation and relief from the people of the State of California.

G. F. HANSON.

Subscribed and sworn to before me, this 12th day of January, 1903.

CHAS. T. STANLEY,

Notary Public in and for the City and County of
San Francisco, State of California.

[SEAL.]

State of California,)
City and County of San Francisco, } ss.

J. F. BURGIN, being first duly sworn, deposes and says:

I am, and at all the times hereinafter mentioned I was, a citizen of the United States and of this State, and a member of the National Guard of California, being a commissioned officer therein, to wit, being Assistant Adjutant-General of the Second Brigade thereof, and a member of the staff of Brigadier-General R. H. Warfield, commanding said Second Brigade.

I am well acquainted with Sergeant-Major Eugene De Sparr, who has been a member of the National Guard of California ever since the year 1876. During all of his services in the National Guard, I know him to have been of exemplary character, and attentive to his duties.

On the 27th of June, 1901, he was a member of the staff of Brigadier-General R. H. Warfield, to wit, a member of the Second Brigade staff, with the rank of Sergeant-Major. I have read his foregoing statement in regard to the accident and injury which he sustained on that day. I was present at the time of said injury, and the statements contained in the foregoing affidavit of Sergeant-Major Eugene De Sparr with reference to the circumstances of said accident are correct. Of my own knowledge, I do not know how long he was disabled; but from my knowledge of the man, and his character, I would say that any statement made by him in that connection was worthy of credence. I know Sergeant-Major Eugene De Sparr to be a most worthy and deserving man. I know that he has served faithfully in the National Guard for many years, readily, unhesitatingly, and efficiently. I know that the injuries he has received were sustained by him while in the performance of his duties in said National Guard, and I believe him to be entitled to compensation and relief from the people of the State of California.

J. F. BURGIN.

Subscribed and sworn to before me, this 12th day of January, 1903.

CHAS. T. STANLEY,

Notary Public in and for the City and County of
San Francisco, State of California.

[SEAL.]

ADJOURNMENT.

At twelve o'clock and fifteen minutes P. M., on motion of Senator Wolfe, the Senate adjourned until eleven o'clock A. M. of Wednesday, January 21, 1903.

IN SENATE.

SENATE CHAMBER,

Wednesday, January 21, 1903. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—36.

Quorum present.

PRAYER.

Prayer by the Rev. Dr. Banks, of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 20, 1903, its further reading was dispensed with, on motion of Senator Pendleton.

RESOLUTIONS.

The following resolutions were offered:

By Senator Bauer:

WHEREAS, Through inadvertence or mistake the name of the chairman of the Committee on Public Health and Quarantine was omitted from the committee selected to visit hospitals and quarantine stations; be it

Resolved, That the name of Senator Bauer be added to said committee, and he be allowed leave of absence and the actual expenses of said trip.

Resolution read and adopted.

By Senator Oneal:

Resolved, That the Secretary of the Senate be and is hereby authorized and instructed to substitute the name of Oscar Crandall on the payroll as Page for that of James Nelson, and the Controller is hereby directed to draw his warrant in favor of the said Oscar Crandall for any money now due the said James Nelson.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Lukens:

Resolved, That the State Printer be and he is hereby instructed to print 600 additional copies of all Senate Bills, Constitutional Amendments, Concurrent and Joint Resolutions, and Journals, Files, and Histories, for the use of the members.

Senator Belshaw moved to amend by striking out the words "Files" and "Histories."

Amendment adopted.

Resolution read, and adopted as amended.

By Senator Selva:

Resolved, That the Secretary of the Senate be instructed to purchase for the Committee on Code Revision one set of Pomeroy's Annotated Codes of California.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Bunkers, Coggins, Corlett, Devlin, Diggs, Flint, Greenwell, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Ralston, Rowell, Savage, Selva, Smith, Ward, Williams, and Woodward—24.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 20, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 4—Relating to certain amendments to the charter of the City of Los Angeles—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

SAVAGE, Chairman.

Senate Concurrent Resolution No. 4 ordered on file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, January 20, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 64—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of Boards of Supervisors—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WOODWARD, Chairman.

Senate Bill No. 64 ordered on file.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 21, 1903.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 38—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road," at or near the "Tioga Mine," and making an appropriation therefor.

Also: Senate Bill No. 43—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State Road at or near Meyer's Station; thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.

Also: Senate Bill No. 162—An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono Toll Road, a State highway.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass, and that said bills be referred to Committee on Finance.

LARDNER, Chairman.

Senate Bills Nos. 38, 43, and 162 referred to Committee on Finance.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 21, 1903.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 5—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Finance.

ROWELL, Chairman.

Senate Bill No. 5 referred to Committee on Finance.

BILL RECALLED FROM COMMITTEE.

Senate Bill No. 148, previously referred to Committee on Code Revision, was, on motion of Senator Selvage, recalled from that committee, and referred to Committee on Fish and Game.

SPECIAL ORDER SET.

On motion of Senator Smith, consideration of Senate Concurrent Resolution No. 4—Approving thirteen certain amendments to the Charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein for that purpose on the first day of December, 1902—was made a special order for to-morrow, immediately after reading of the Journal.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Committee on Code Revision: Senate Bill No. 226—An Act to amend Sections 367, 370, 375, 376, 377, 386, 387, 388, and 389, and to repeal Section 390 of the Code of Civil Procedure, all relating to parties to civil actions.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 227—An Act to amend Sections 325, 328, 352, 355, and 362 of the Code of Civil Procedure, and to add thereto a new section, to be numbered 329, all relating to the time of commencing actions.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 228—An Act to amend Sections 280, 281, and 287 of the Code of Civil Procedure, and to add a new section thereto to be numbered 300, all relating to attorneys and counselors at law.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 229—An Act to amend Sections 198 and 199 of the Code of Civil Procedure, both relating to jurors.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 230—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 231—An Act to repeal Sections 156, 157, and 161 of the Code of Civil Procedure, relating to the eligibility of judicial officers.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 232—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 233—An Act to amend Section 91 of the Code of Civil Procedure, relating to justices' courts in cities and counties.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 234—An Act to repeal Sections 33 to 55, both inclusive, and Sections 65 to 79, both inclusive, of the Code of Civil Procedure, relating to courts of justice.

Bill read first time, and ordered on file without reference to committee.

By Senator Pendleton: Senate Constitutional Amendment No. 12—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 17 of Article VI thereof, relating to the compensation of Justices of the Supreme Court and of Judges of the Superior Court.

Referred to Committee on Constitutional Amendments.

Also: Senate Bill No. 235—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 236—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 237—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings."

Bill read first time, and referred to Committee on Judiciary.

By Senator Knowland: Senate Bill No. 238—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Bill read first time, and referred to Committee on Finance.

By Senator Hubbell: Senate Bill No. 239—An Act to amend Section 2653 of the Political Code, relating to duties of Supervisors respecting roads.

Bill read first time, and referred to Committee on County Government.

By Senator Woodward: Senate Bill No. 240—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco, by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners, and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Lukens: Senate Bill No. 241—An Act to amend Sections 293 and 298 of the Political Code, relating to the State Library.

Bill read first time, and referred to Committee on Library.

By Senator Hahn: Senate Bill No. 242—An Act to protect trade and commerce against unlawful restraints and monopolies.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 243—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Bill read first time, and referred to Committee on Judiciary.

By Senator Smith: Senate Bill No. 244—An Act to appropriate \$25,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to purchase and install therein two passenger elevators; to make necessary repairs and improvements in the building of said State Normal School; to improve the grounds of said State Normal School.

Bill read first time, and referred to Committee on Education.

By Senator Corlett: Senate Bill No. 245—An Act to amend the Civil Code, by adding an additional section to Chapter II, Title II, to be numbered Section 231, relating to adoption.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rowell: Senate Bill No. 246—An Act to amend an Act entitled "An Act to protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor."

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 247—An Act to provide for the appointment of a County Livestock, Dairy, Food, and Sanitary Inspector, prescribing his duties, powers, and compensation.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Devlin: Senate Bill No. 248—An Act making an appropriation for the contingent expenses of the Senate for the thirty-fifth session of the Legislature.

Bill read first time, and made special order after first special order.

By Senator Flint: Senate Bill No. 249—An Act to prevent the sale of dairy products produced from diseased animals and under unsanitary conditions; to provide for the inspections of dairy cattle, dairies, and factories for the productions of dairy products; to improve the quality of dairy products of the State, and to appropriate money therefor.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Welch: Senate Bill No. 250—An Act to amend Section 1366 of the Political Code, relating to primary elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Smith: Senate Bill No. 251—An Act to select and adopt the "Golden Poppy" as the State flower of California.

Bill read first time, and referred to Committee on Commissions, Retrenchment, and Reform.

SPECIAL ORDER SET.

On motion of Senator Devlin, consideration of Senate Bill No. 248—An Act making an appropriation for the contingent expenses of the Senate for the thirty-fifth session of the Legislature—was made a special order for to-morrow, immediately after the reading of the Journal.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Belshaw:

Resolved, That the Bill Clerks of the Senate are hereby prohibited from giving out copies of Bills, Journals, Histories or Files to any one without a written order from the President of the Senate, the Speaker of the House, or a member of either house. This resolution shall not apply to copies usually furnished to the State officers and members of the press.

Resolution read and adopted.

PAPERS FOR CONTEST OF ELECTION.

The President announced the receipt from the Secretary of State of papers filed with him to contest the election of the Hon. Frank French to the State Senate from the Twentieth Senatorial District in favor of William J. Kenney, and thereupon placed the papers in the hands of the Secretary.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 14—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been or which may hereafter be authorized by the said United States to be paid to said State, as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor

of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents, defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Joint Resolution No. 2 passed on file.

ADJOURNMENT.

At eleven o'clock and forty-five minutes A. M., on motion of Senator Devlin, the Senate adjourned until eleven o'clock A. M. of Thursday, January 22, 1903.

IN SENATE.

SENATE CHAMBER,
Thursday, January 22, 1903. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 21, 1903, its further reading was dispensed with, on motion of Senator Luchsinger.

LEAVE OF ABSENCE.

Senator Emmons was, on motion of Senator Sanford, granted a leave of absence until Friday, January 23, 1903.

CONSIDERATION OF SPECIAL ORDER.

The hour heretofore set for the consideration of the special order, being the consideration of Senate Concurrent Resolution No. 4—Relative to approving thirteen certain amendments to the Charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein for that purpose on the first day of December, 1902—having arrived, the same was taken up.

SENATE CONCURRENT RESOLUTION NO. 4.

Approving thirteen certain amendments to the Charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at a general municipal election held therein for that purpose on the 1st day of December, 1902.

WHEREAS, The City of Los Angeles, in the County of Los Angeles, State of California, contains a population of over one hundred thousand inhabitants, and has been ever since the year eighteen hundred and eighty-nine, and is now, organized and acting under a freeholders' charter, adopted under and by virtue of section eight, of article eleven, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twentieth day of October, eighteen hundred and eighty-eight, and approved by the Legislature of the State of California, on the thirty-first day of January, eighteen hundred and eighty-nine (Statutes of 1889, page 455), which charter has never been amended; and

WHEREAS, The City Council of said City of Los Angeles did, by Ordinance No. 7540 (new series), adopted by said Council on the twenty-ninth day of September, nineteen hundred and two, and approved by the Mayor of said city on the thirtieth day of September, nineteen hundred and two, and pursuant to section eight of article eleven of the Constitution of the State of California, duly propose to the qualified electors of said City of Los Angeles, certain amendments to the charter of said city to be submitted to said qualified electors at a general municipal election to be held in said city on the first day of December, nineteen hundred and two, which said amendments were and are in words and figures as follows, to wit:

That section one of the charter be amended to read as follows:

Section 1. The municipal corporation now existing and known as "The City of Los Angeles," shall continue to be a municipal corporation under the same name and with the same boundaries that it now has, to wit:

Beginning at a cement monument in the County of Los Angeles, State of California, said monument being set on the township line between township one south, range fourteen west, and township two south, range fourteen west, San Bernardino base and meridian; said monument being 8094.61 feet from the common corner to township one south, range thirteen west, township one south, range fourteen west, township two south, range thirteen west, and township two south, range fourteen west, San Bernardino base and meridian; thence from said point of beginning north 0 degrees 07 minutes 00 seconds west, 2644.49 feet to a point; thence north 0 degrees 16 minutes 30 seconds west, 2640.89 feet to a point; thence north 0 degrees 16 minutes 30 seconds west, 2641.80 feet to a point; thence north 0 degrees 05 minutes 00 seconds west, 2827.62 feet to a point; thence south 88 degrees 20 minutes 30 seconds east, 180.04 feet to a point; thence south 89 degrees 53 minutes 30 seconds east, 2638.46 feet to a point; thence north 89 degrees 39 minutes 30 seconds east, 5282.98 feet to a point; thence north 0 degrees 05 minutes 30 seconds west, 5107.53 feet to a point; thence south 89 degrees 57 minutes 15 seconds east, 2266.69 feet to a point on the west patent boundary line of the City of Los Angeles, as per map recorded in Book 2 of Miscellaneous Records of the County of Los Angeles, California, at pages 504 and 505 thereof; thence along said west patent boundary line north 0 degrees 24 minutes 00 seconds west, 7087.80 feet to the northwest corner of the City of Los Angeles, as per map aforesaid; thence along the north patent boundary line of the City of Los Angeles, as per map aforesaid, south 89 degrees 34 minutes 30 seconds east, 13,278.36 feet to a point; thence continuing along said north patent boundary line south 89 degrees 20 minutes 15 seconds east, 6826.16 feet to a point; thence north 187.03 feet to a point; thence north 39 degrees 28 minutes 00 seconds east, 2130.20 feet to a point; thence north 4 degrees 40 minutes 00 seconds east, 1188.40 feet to a point; thence north 11 degrees 43 minutes 00 seconds east, 1627.80 feet to a point; thence north 59 degrees 16 minutes 30 seconds east, 2021.40 feet to a point; thence north 34 degrees 42 minutes 30 seconds west, 37.50 feet to a point; thence north 89 degrees 34 minutes 30 seconds east, 9.01 feet to a point; thence north 34 degrees 40 minutes 30 seconds west, 375.54 feet to a point; thence north 58 degrees 44 minutes 30 seconds east, 392.23 feet to a point; thence north 79 degrees 12 minutes 00 seconds east, 206.58 feet to a point; thence south 89 degrees 03 minutes 00 seconds east, 487.08 feet to a point; thence north 53 degrees 57 minutes 00 seconds east, 562.80 feet to a point; thence north 89 degrees 21 minutes 00 seconds east, 1008.00 feet to a point; thence south 0 degrees 39 minutes 15 seconds east, 47.87 feet to a point; thence north 59 degrees 22 minutes east, 1584.52 feet to a point; thence north 12 degrees 04 minutes 15 seconds east, 174.26 feet to a point; thence north 89 degrees 59 minutes 30 seconds east, 942.00 feet to a point; thence north 89 degrees 55 minutes 30 seconds east, 3674.92 feet to a point; thence north 89 degrees 50 minutes east, 1174.63 feet to a point; thence south 36 degrees 15 minutes 15 seconds west, 629.95 feet along the center line of Avenue 66 (formerly Cooper Avenue) to a point; thence south 53 degrees 55 minutes east, 299.50 feet to a point; thence south 36 degrees 16 minutes 15 seconds west, 900.50 feet to a point; thence south 53 degrees 28 minutes east, 280.28 feet to a point; thence south 51 degrees 41 minutes 15 seconds west, 1205.69 feet along the center line of San Pasqual Avenue to a point; thence south 22 degrees 00 minutes 45 seconds east, along the boundary line of the San Rafael Rancho, 463.17 feet to a point; thence south 34 degrees 15 minutes west, 264.00 feet to a point; thence south 56 degrees west, 686.40 feet

to a point; thence south 89 degrees west, still along the boundary line of the San Rafael Rancho, 759.50 feet to a point on the northerly line of the right of way of the Southern California Railway; thence north 70 degrees 22 minutes 45 seconds west, along said northerly line of said right of way 83.30 feet to a point; thence south 19 degrees 37 minutes 15 seconds west, 75 feet along said northerly line of said right of way to a point; thence north 70 degrees 22 minutes 45 seconds west, 667.59 feet along said northerly line of said right of way to a point; thence south 39 degrees 05 minutes 15 seconds west, 220.85 feet to a point; thence south 14 degrees 56 minutes 45 seconds east, 103.17 feet to a point; thence south 4 degrees 14 minutes west, 421.76 feet to a point; thence south 25 degrees 23 minutes west, 654.99 feet to a point; thence north 79 degrees 29 minutes 30 seconds west, 830.17 feet to a point in the southeasterly line of the right of way of the Los Angeles Terminal Railway; thence following said southeasterly line of said right of way along a curve to the left (the radius of said curve being 701.78 feet) 21.99 feet to a point, said point being south 56 degrees 16 minutes 15 seconds west, 21.98 feet from the last mentioned point; thence following said southeasterly line of said right of way south 30 degrees 18 minutes 15 seconds east, 10.03 feet to a point; thence following said southeasterly line of said right of way along a curve to the left (the radius of said curve being 691.78 feet) 83.50 feet to a point; said point being at the end of said curve, and also being south 51 degrees 51 minutes 15 seconds west, 83.46 feet from the last mentioned point; thence on a line tangent to said curve, south 48 degrees 23 minutes 45 seconds west, 642.51 feet along said southeasterly line of said right of way to a point in the center line of Avenue 57; thence south 0 degrees 14 minutes east, 1646.90 feet to a point; thence south 83 degrees 16 minutes 15 seconds west, 195.19 feet to a point; thence south 2710.89 feet to a point, the same being the northeast patent corner of the City of Los Angeles, California, as per map hereinbefore mentioned; thence along the east patent boundary line of said City of Los Angeles and its prolongation, south 0 degrees 23 minutes 30 seconds east, 29,217.63 feet to a point; thence south 89 degrees 43 minutes 00 seconds west, 14,401.51 feet to a point; thence south 1 degree 13 minutes 00 seconds east, 1760.83 feet to a point; thence south 2 degrees 08 minutes 30 seconds east, 674.27 feet to a point; thence south 3 degrees 50 minutes 00 seconds east, 2721.73 feet to a point; thence south 4 degrees 19 minutes 00 seconds east, 1491.15 feet to a point; thence south 4 degrees 06 minutes 00 seconds east, 2637.61 feet to a point; thence north 89 degrees 13 minutes 00 seconds west, 2975.73 feet to a point; thence west 2632.54 feet to a point; thence south 89 degrees 17 minutes 30 seconds west, 1320.95 feet to a point; thence south 89 degrees 24 minutes 30 seconds west, 1330.50 feet to a point; thence south 89 degrees 46 minutes 30 seconds west 2649.30 feet to a point; thence south 0 degrees 09 minutes 30 seconds east, 220.02 feet to a point; thence south 89 degrees 40 minutes 30 seconds west, 2647.48 feet to a point; thence south 89 degrees 55 minutes 00 seconds west, 390.06 feet to a point; thence north 0 degrees 12 minutes 00 seconds west, 8105.59 feet to a point; thence south 89 degrees 29 minutes 00 seconds west, 2263.05 feet to a point; thence north 89 degrees 55 minutes 15 seconds west, 2616.34 feet to a point; thence north 89 degrees 36 minutes 30 seconds west, 2648.75 feet to a point; thence south 89 degrees 50 minutes 00 seconds west, 2627.60 feet to a point; thence north 0 degrees 05 minutes 00 seconds west, 2661.10 feet to a point; thence north 89 degrees 49 minutes 30 seconds west, 991.74 feet to a point; thence north 0 degrees 06 minutes 30 seconds east, 457.30 feet to a point; thence north 0 degrees 00 minutes 30 seconds west, 2184.50 feet to a point; thence north 89 degrees 59 minutes 07 seconds east, 809.72 feet to a point; thence north 0 degrees 07 minutes 00 seconds west, 2582.68 feet to the point of beginning; said courses being according to the true meridian; said boundaries embracing an area of 27,696.69 acres of land; and the said corporation shall continue vested with all the property rights of every kind now belonging to it.

That section three of the charter be amended to read as follows:

Section 3. The officers of the municipality shall be:

- A Mayor;
- One Councilman from each ward;
- A City Clerk;
- A Clerk of the Mayor;
- A City Treasurer;
- A City Auditor;
- A City Tax and License Collector;
- Seven members of the Board of Education;
- A City School Superintendent;
- Five Directors of the Los Angeles Public Library;
- A City Assessor;
- A City Engineer;
- A City Attorney;
- A Superintendent of Buildings;
- A Water Overseer;
- A Street Superintendent;
- Five Police Commissioners;
- A Chief of Police;
- A Chief Engineer of the Fire Department;
- Five members of the Board of Health;
- A Health Officer;
- Five Fire Commissioners;
- Five Park Commissioners;

That section four of the charter be amended to read as follows:

Section 4. The following officers shall be elected by the electors of the City of Los Angeles at large, to wit:

The Mayor;
The City Clerk;
The City Attorney;
The City Treasurer;
The City Auditor;
The City Tax and License Collector;
The City Engineer;
The Street Superintendent;
The City Assessor; and
Seven members of the Board of Education;
And, by the electors of each ward, respectively,
One member of the Council.

The city shall be divided into nine wards, as follows:

First Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the northerly city boundary with the center of the Los Angeles river; running thence along the center of said river southerly to the center line of Macy Street; thence easterly along the center line of Macy Street to the center line of Mission Road; thence northeasterly along the center line of Mission Road to the center line of Griffin Avenue; thence southeasterly along the center line of Griffin Avenue to the center line of Soto Street; thence northeasterly along the center line of Soto Street to the center line of Mission Road; thence easterly along the center line of Mission Road to the east city boundary; thence northerly, northeasterly, westerly, southwesterly, and westerly, along the exterior boundaries of the City of Los Angeles to the point of beginning.

Second Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the north city boundary with the center of the Los Angeles river, and running thence southerly along the center of said river to the center line of Downey Avenue; thence southerly along the center lines of Downey Avenue, San Fernando Street, and Main Street to the center line of First Street; thence westerly along the center line of First Street to the west patent boundary line of the city; thence northerly along said west patent boundary line to the northwest corner of the city; thence easterly along the north boundary line of the city to the place of beginning.

Third Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of First and Main Streets; thence running westerly along the center line of First Street to the west patent boundary of the city; thence northerly along the said west patent boundary to the south line of the Dayton Heights tract; thence westerly along the south line of the Dayton Heights tract to the center line of Vermont Avenue extended; thence southerly along the center line of Vermont Avenue extended, Vermont Avenue, and the prolongation of Vermont Avenue, to the center line of Seventh Street; thence easterly along the center line of Seventh Street to the center line of Main Street; thence northerly along the center line of Main Street to the point of beginning.

Fourth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of Seventh and Main Streets; running thence southerly along the center line of Main Street to the center line of Washington Street; thence westerly along the center line of Washington Street to a point one hundred and fifty feet west of the west line of Arlington Street; thence northerly along the west city boundary to a point one hundred and fifty feet north of the north line of Wilshire Boulevard; thence easterly to the west boundary line of the West End University Addition to Los Angeles, at a point one hundred and fifty feet north of the southwest corner thereof; thence southerly along said boundary line and the center line of Vermont Avenue to the center line of Seventh Street; thence easterly along the center line of Seventh Street to the point of beginning.

Fifth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of Washington and Main Streets; thence southerly along the center line of Main Street to a point one hundred and fifty feet south of the south line of Slauson Avenue; thence westerly along the southerly boundary of the city to a point three hundred and sixty feet west of the westerly line of Figueroa Street; thence northerly, westerly, northerly, westerly, northerly, easterly, and northerly along the exterior boundaries of Los Angeles City to the center line of Washington Street; thence easterly along the center line of Washington Street to the point of beginning.

Sixth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of Ninth and Main Streets; thence easterly along the center line of Ninth Street to the center of the Los Angeles river; thence southerly along the center of the Los Angeles river to the south city boundary; thence westerly, southerly, and westerly along the exterior boundaries of Los Angeles City to the center line of Main Street; thence northerly along the center line of Main Street to the point of beginning.

Seventh Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of Main and First Streets; thence easterly along the center line of First Street to the center of the Los Angeles river; thence

southerly along the center of the Los Angeles river to the center line of Ninth Street; thence westerly along the center line of Ninth Street to the center line of Main Street; thence northerly along the center line of Main Street to the point of beginning.

Eighth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center lines of First and Main Streets; running thence easterly along the center line of First Street to the center of the Los Angeles river; thence northerly along the center of the Los Angeles river to the center line of Downey Avenue; thence southerly along the center lines of Downey Avenue, San Fernando Street, and Main Street to the place of beginning.

Ninth Ward: All that portion of the city bounded and described as follows: Beginning at the intersection of the center line of Macy Street with the center of the Los Angeles river; thence easterly along the center line of Macy Street to the center line of Mission Road; thence northeasterly along the center line of Mission Road to the center line of Griffin Avenue; thence southeasterly along the center line of Griffin Avenue to the center line of Soto Street; thence northeasterly along the center line of Soto Street to the center line of Mission Road; thence easterly along the center line of Mission Road to the easterly line of Los Angeles City; thence southerly along the easterly line of Los Angeles City to the southeasterly corner of Los Angeles City; thence westerly along the southerly line of Los Angeles City to the intersection of the center of the Los Angeles river; thence northerly along the center of the Los Angeles river to the point of beginning.

The center of streets and the center of the Los Angeles river will in all cases be the dividing line.

And the Council herein provided shall have power by ordinance to establish and change the boundaries thereof whenever it may deem it expedient; but until changed by the Council the said wards shall remain as above described and established.

That section six of the charter be amended to read as follows:

Section 6. The Mayor shall appoint a Clerk of the Mayor. He shall also appoint, subject to confirmation by a majority of the Council, the Superintendent of Buildings, and such other officers of the municipality mentioned in this charter whose appointments are not otherwise provided for herein.

That section seven of the charter be amended to read as follows:

Section 7. The City School Superintendent shall be appointed by the Board of Education. The Chief of Police shall be appointed by the Board of Police Commissioners. The Chief Engineer of the Fire Department shall be appointed by the Board of Fire Commissioners. The Health Officer shall be appointed by the Board of Health. Each Police Judge shall appoint his own clerk.

That section sixty-nine of the charter be amended to read as follows:

Section 69. The government of the School Department of the city shall be vested in a Board of Education, to consist of seven members, to be elected as herein provided, to be called members of the Board of Education, who shall serve without salary; *provided*, that the members of the present Board of Education shall hold and exercise their offices, with the powers and duties prescribed by the charter, until the election and qualification of the members of the first Board of Education elected from the city at large.

That section one hundred and ninety-five of the charter be amended to read as follows:

Section 195. General municipal elections shall be held in said city on the first Monday in December, nineteen hundred and four, and on the first Monday in December every two years thereafter, at which shall be elected:

- A Mayor,
- A City Clerk,
- A City Attorney,
- A City Treasurer,
- A City Auditor,
- A City Tax and License Collector,
- A City Engineer,
- A Street Superintendent,
- A City Assessor, and
- Seven members of the Board of Education,

And, by the electors of each ward, one member of the City Council.

That Article XVIII of the charter be amended to read as follows:

ARTICLE XVIII.

WATER, WATER RIGHTS, AND WATERWORKS.

Section 190. The City of Los Angeles shall continue in the ownership and enjoyment of all the rights to the water of the River Los Angeles heretofore vested in it, its predecessors or predecessor, including the Pueblo of Los Angeles, and is hereby declared to have the full, free, and exclusive right to all the water flowing in the said river at any point from its source or sources, to the intersection of said river with the southern boundary of said city, and also the ownership of and the right to develop, economize, control, use, and utilize all waters flowing beneath the surface in the bed of said river at any point or points between the points of termini above named.

Section 191. The said city shall not convey, lease, or otherwise dispose of its rights in the waters of said River Los Angeles, or any part thereof, or grant, or lease to any corporation or person, any right or privilege to use, manage, or control the said waters or any part thereof, for any purpose, public or private. No other water or water rights

now or hereafter owned by said city shall be conveyed, leased, or otherwise disposed of, without the assent of two thirds of the qualified electors of said city voting upon such proposition at an election, general or special, at which such proposition shall be lawfully submitted; *provided, however*, that this section shall not be construed to prevent the ordinary sale and distribution, by the city, in the manner hereinafter prescribed, of the waters belonging to said city, to the inhabitants thereof or persons doing business therein for domestic and irrigating uses, and for manufacturing and business purposes, other than water power.

Section 192. There is hereby created, for the purpose of managing and controlling all waters and water rights that are now, or may be hereafter, owned by the City of Los Angeles, a department of said city to be known as the "Water Department," which shall be under the management and control of a Board of Water Commissioners.

(a) Said board shall consist of five members, who shall be appointed by the Mayor, subject to confirmation by a majority of the Council.

(b) No person shall be appointed a Water Commissioner who shall not have been an elector of the City of Los Angeles for at least five years next preceding his appointment, and the appointments of Water Commissioners shall be made so that not more than three members of the board shall, at any one time, belong to the same political party.

(c) The term of office of the Water Commissioners shall be four years. The five commissioners first appointed hereunder shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years, and if any vacancy occurs, the Mayor shall, subject to confirmation by the Council, fill the same by appointment for the unexpired term.

(d) The commissioners shall organize by electing one of their members president, who shall hold his office for one year and until his successor is elected, and they may appoint a secretary, who is not a member of the board, and fix his compensation.

(e) The president of the Board of Water Commissioners shall be the executive officer of the Water Department, and shall perform such duties as the board may prescribe. He shall devote so much of his time to the duties of his office as may be necessary for the proper supervision and direction of the business of the Water Department. The secretary of the board shall keep a record of the proceedings of the board, and may certify such proceedings under his hand, to be authenticated by seal, if a seal be adopted and provided by the board for that purpose, and shall perform such other duties as the board may prescribe.

(f) The board shall maintain an office, and prescribe office hours for the convenience of the public. The board shall hold a regular stated meeting once in each week. The members of the board shall serve without compensation, except that the president of the board shall receive a salary of three thousand dollars per annum, payable in equal monthly installments.

(g) The Board of Water Commissioners shall have power:

To manage and control all waters, water rights, and water-bearing lands, and all waterworks, reservoirs, zanjias, and ditches belonging to the city.

To construct, operate, maintain, and extend waterworks, dams, reservoirs, zanjias, ditches, canals, and other means for supplying the city and its inhabitants with water, and to acquire and take by purchase, condemnation, or otherwise, and, in its own name, to hold as special trustee for the city, any and all property, including waters and water rights, situated within or without the limits of the city, other than the waters of the River Los Angeles, that may be necessary or convenient for such construction, operation, maintenance, or extension.

To regulate and control the use, sale and distribution of water belonging to the city, the collection of water rates, and the granting of permits for connections with said waterworks, zanjias, or ditches, and to fix the rates to be charged for such connections; and, subject to the approval of the City Council, to fix the rates to be charged for water, and to prescribe the time and manner of payment of the same.

To appoint, employ and, for good cause, to remove the Superintendent of Waterworks, the Water Overseer, and such assistants, employés, and laborers as the board may deem necessary; to fix their compensations, prescribe their duties, and to require of any or all of them adequate bonds for the faithful performance of such duties.

To sue and be sued, and to require the services of the City Attorney, free of charge, in all cases to which the board is a party.

To control and order the expenditure of all moneys received from the sale or use of water; *provided*, that all such moneys shall be deposited in the treasury of the city to the credit of a fund to be known as the "water revenue fund," and shall be kept separate and apart from other moneys of the city, and shall only be drawn from said fund upon demands authenticated by the signatures of the president and secretary of the board, or, in the absence of the president, by the signatures of two members and the secretary of the board, except that the City Council, at the time of fixing the general tax levy, may, in its discretion, by ordinance, apportion and set apart, out of the moneys then in said water revenue fund, an amount sufficient to meet all sums coming due for interest or principal, or for interest and principal, upon all outstanding waterworks bonds, before the time for fixing the next general tax levy, and the City Treasurer shall use the money so apportioned to make such payment, and for no other purpose; and if there shall be a surplus remaining, the same shall forthwith be re-transferred into said water revenue fund.

(h) None of the money in said water revenue fund, or coming under the control of said board, shall be appropriated or used for any purpose or purposes other than the following, to wit:

First: For the necessary expenses of conducting the Water Department, of operating the waterworks, and of making all current and ordinary extensions, betterments, and repairs.

Second: For extraordinary improvements of and betterments to the property, works, and systems of supply and distribution of the Water Department, including the purchase of necessary lands, water rights, and other property.

Third: The payment, as above provided, of installments of interest or principal, or of interest and principal coming due upon outstanding waterworks bonds.

Provided, however, that said board may, in its discretion, so fix the water rates as to produce a revenue sufficient only for the purpose of defraying the necessary expenses of conducting the Water Department, of operating the waterworks, and of making all current and ordinary extensions, betterments, and repairs, and for no other purpose.

(i) The said board shall also have power, by a resolution adopted by a majority of all of its members, and recorded in the minutes with the ayes and noes at length, to make and enforce all such reasonable by-laws, rules, and regulations as may be necessary for its government, for the administration of the Water Department, and for the exercise of the powers conferred by this article; *provided*, that no such rule, by-law, or other act of the board fixing water rates, or prescribing the time or manner of payment thereof, shall be effective until the same shall be approved by the City Council, and thereafter published for at least three days in a daily newspaper printed and published in the City of Los Angeles.

(j) Three members of the Board of Water Commissioners shall constitute a quorum for the transaction of business; but no contract shall be made, no bill audited, nor any act done involving the expenditure of money, or the incurring of a debt, unless three members of the board vote in favor thereof. The board shall not make any contract or expenditure for supplies, goods, materials, machinery, or merchandise, involving the sum of more than five hundred dollars, unless it shall first have caused a notice to be published in a daily newspaper, printed and published in the City of Los Angeles, inviting proposals to furnish the same. And the contract therefor shall be let to the lowest responsible bidder, who shall furnish security for its performance satisfactory to the board; *provided*, that the board may reject any and all bids.

(k) The Board of Water Commissioners shall present to the City Council, at its meeting in the second week of December, in each year, a report for the year ending on the thirtieth day of November next preceding, which shall show the amount of money received from all sources, the purposes for which such money has been expended, the amounts so expended, and the balance on hand; also the nature and condition of the property held by the board, with such information and suggestions as it may deem of general interest; and the board shall also, on or before the tenth day of each month, make out and present to the City Council a similar statement of all receipts and expenditures during the preceding calendar month.

(l) As soon as practicable after the first Board of Water Commissioners appointed hereunder shall take office, the City Council shall cause to be conveyed to said board, as special trustee for the city, all property, real and personal, belonging to the city (except the water and water rights mentioned in section one hundred and ninety of this charter), that is now or may hereafter be used, required, or convenient in the operation, maintenance, or extension of a system of waterworks for supplying the inhabitants of the City of Los Angeles with water, and in protecting the sources of such water supply from diversion or pollution.

(m) The board may lease, for terms not exceeding three years, any or all of the lands by this article placed under its control, for agricultural or other purposes, which shall not conflict with the beneficial use of said lands by the city for the purposes for which they are held by said board; and the board may sell, from time to time, such personal property placed under its control, as shall not be longer necessary or suitable for the use of the Water Department. No real property nor any rights or interests in real property held by said board shall be sold, leased, or otherwise disposed of, or in any manner withdrawn from its control, save as above provided, unless by a written instrument, duly authorized by ordinance of the city, and a resolution of the board and duly executed by the city and the board; *provided*, that none of the waters or water rights, by this article placed under the control of said board, shall be conveyed, leased, or otherwise disposed of, except as provided in section one hundred and ninety-one of this charter.

(n) That the Superintendent of Waterworks and the five members of the Board of Water Commissioners shall be officers of the municipality in addition to the other officers thereof provided for herein.

Section 193. All water mains hereafter laid in said city by any private person, company, or corporation shall be of such material and of such capacity as shall be prescribed by ordinance; *provided*, that no such main shall hereafter be laid in said city of less dimensions than four inches in diameter.

The rates of compensation for use of water to be collected in said city by any person, company, or corporation, other than the Board of Water Commissioners, shall be fixed annually by ordinance, and shall continue in force for one year and no longer. Such ordinance shall be passed in the month of February of each year, and take effect on

the first day of July thereafter. Should the Council fail to pass the necessary ordinances, fixing the water rates within the time hereinbefore prescribed, it shall be subject to peremptory process to compel action at the suit of any party interested.

That the title of section forty-seven of the charter be amended to read as follows:

Board of Education; Board of Directors of the Los Angeles Public Library; Board of Health; Board of Police Commissioners; Board of Fire Commissioners; Board of Park Commissioners; Board of Water Commissioners.

That the title of section fifty-one of the charter be amended to read as follows: Superintendent of Waterworks and Water Overseer.

That section fifty-one of the charter be amended to read as follows:

Section 51. The Superintendent of Waterworks and the Water Overseer shall have such powers and perform such duties as the Board of Water Commissioners shall prescribe.

That section sixty-six of the charter be amended to read as follows:

Section 66. The City Council shall, by ordinance, fix the salary of all other officers herein, or by ordinance hereafter created, whose salaries are not hereby fixed, or otherwise provided for.

That section two hundred and nine of the charter be amended to read as follows:

Section 209. Said demands, except demands payable out of the school fund, the library fund, or water revenue fund, shall be presented to the Council on forms and blanks to be provided by the City Clerk, and shall be referred to its committee on finance. The said committee shall, by indorsement thereon, approve or reject the same, in whole or in part. The Council shall then consider the said demands and the action of said committee thereon, and shall, if the same be just and legal, approve the same; or may, if it so determine, approve in part or reject the whole. The action of the Council shall be indorsed thereon, with the date of such action, and certified by the signatures of the President and City Clerk; *provided*, that it shall require the votes of two thirds of the members of the whole Council, under a call of the ayes and noes, and the vote spread upon the minutes, to approve any such demand in whole or in part.

That a new section be added to the charter, to be known as section two hundred and thirteen and one half, and to read as follows:

Section 213½. All demands payable out of the water revenue fund must be presented to the Board of Water Commissioners, and, before they can be approved by the City Auditor or paid, must be previously approved by the Board of Water Commissioners, by a vote of three members thereof, taken with the ayes and noes spread upon the minutes, and the action of said board must be indorsed on said demand and signed by the president and secretary thereof, or, in the absence of the president, by two members and the secretary thereof. After the approval of said demands by the Board of Water Commissioners, they shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference to demands payable out of the water revenue fund, as are prescribed for other demands; *provided*, that in case that the City Auditor shall reject any such demand, or if, in his opinion, said demand should be paid only in part, he shall return the same to the Board of Water Commissioners, instead of to the Council.

That section two hundred and fourteen of the charter be amended to read as follows:

Section 214. Any demand returned to the City Clerk, with the objections of either the Mayor or City Auditor, shall again be considered by the Council, and if it shall again be approved by the Council by the same vote taken and recorded and indorsed in the same manner as required by section two hundred and nine hereof, the said objections shall be thereby overruled. Any demand returned to the Board of Education, the Board of Directors of the Los Angeles Public Library, or the Board of Water Commissioners, with the objections of the Auditor, shall again be considered by such board, and if such demand be again approved as required in the first instance, such objections of the said Auditor shall be thereby overruled. Any demand, the objections to which of the Mayor have been overruled, shall be delivered to the City Auditor, who shall have the same power and perform the same duties in reference thereto as if the same had been approved by the Mayor. Any demand, the objection to which of the City Auditor has been overruled by the Council, the Board of Education, the Board of Directors of the Los Angeles Public Library, or the Board of Water Commissioners, as the case may be, shall be delivered to the City Auditor, who shall number and make a record of such demand, as in the case of demands approved by him.

That section two hundred and twenty-two of the charter be amended to read as follows:

Section 222. No suit shall be brought on any claim for money or damages against the City of Los Angeles, its Board of Education, Board of Directors of the Los Angeles Public Library, or the Board of Water Commissioners, until a demand for the same has been presented, as herein provided, and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Nor shall suit be brought against said city, or said Board of Education, Board of Directors of the Los Angeles Public Library, or Board of Water Commissioners, upon any claim or demand that has been in whole approved and audited as provided herein; *provided*, that nothing herein contained shall be construed so as to deprive the holder of any demand of his right to resort to a writ of mandamus or other proceeding against the City Council, or any board or officer of said city, to compel it or him to act upon such claim or demand, or to pay the same when so audited.

That section sixty of the charter be amended to read as follows:

Section 60. The Mayor, City Auditor, City Treasurer, and each member of the Council, and of each board and commission provided for in this charter, shall have the power to administer oaths and affirmations in any investigation or proceeding pending before any of said officers or bodies, or concerning any demand on the city treasury, and the City Clerk shall have the power to administer all oaths and affirmations required by the charter.

The City Council and each board and commission provided for in this charter shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence before such Council, board, or commission, as the case may be, by subpoena, to be issued in the name of said City of Los Angeles, and to be attested by the City Clerk of said city. The City Clerk shall, upon the demand of the President of the City Council, or the presiding officer of any such board or commission, issue such subpoena in the name of said city, and attest the same with the corporate seal thereof, and shall in such subpoena direct and require the attendance of the witness or witnesses sought to be subpoenaed before the City Council or the respective board or commission requiring the issuance of said subpoenas at a time and place to be in said subpoenas specified.

The Chief of Police shall cause all such subpoenas to be served by some member of the Police Department upon the person or persons required to attend before the Council or board or commission in such subpoenas designated.

The City Council shall, from time to time, adopt ordinances providing suitable penalties for disobedience of such subpoenas, and the refusal of witnesses to testify before such Council, board, or commission when required so to do.

That section eighty-two of the charter be amended to read as follows:

Section 82. There shall be levied and collected annually, on all the taxable property in the city, as in other cases, a tax sufficient to maintain such library, not less than four cents on each one hundred dollars of the value of all real and personal property of the said city, as assessed for city purposes, for the purpose of establishing and maintaining said library, and purchasing or leasing such real and personal property, books, papers, publications, furniture, and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year; *provided*, this limitation shall not be construed to prevent the incurring of indebtedness for permanent improvements, to be liquidated by the proceeds of municipal bonds issued by the City of Los Angeles, in accordance with the provisions of this charter and of the general laws of the State, for the purpose of defraying the cost of such improvements.

That section eighty-three of the charter be amended to read as follows:

Section 83. The Mayor shall, immediately after his qualification under this charter, appoint, subject to confirmation by the Council, a board of five directors of said library, who shall serve without compensation and be known as "The Board of Directors of the Los Angeles Public Library." They shall be chosen from the citizens at large, without regard to sex or political opinions, but with reference to their fitness for said office, and no member of the City Council shall be a member of said board.

That section eighty-four of the charter be amended to read as follows:

Section 84. Said directors shall hold office for four years, and until their successors are appointed and qualified. Those first appointed shall so classify themselves by lot that one shall go out of office at the end of one year, one at the end of two years, one at the end of three years, and two at the end of four years, and if any vacancy occurs the Mayor shall, subject to confirmation by the Council, fill the same by appointment for the unexpired term.

That section eighty-five of the charter be amended to read as follows:

Section 85. Said directors shall, immediately after their appointment, meet and organize by the election of a president from among their number, and they may appoint the Librarian or any employé of the Library Department to act as clerk of the board. Such clerk shall keep a record and full minutes in writing of all their proceedings and may certify to such proceedings or any portion thereof under his or her hand, to be verified by seal, if a seal be adopted and provided by the board for that purpose, and shall serve without extra compensation.

That section ninety-one of the charter be amended to read as follows:

Section 91. The Mayor, who shall be ex officio a member and president of the board, and four citizens, to be appointed by the Mayor, subject to confirmation by a majority of the Council, shall constitute the Board of Police Commissioners of the city. The appointive members of the board shall serve without compensation, and not more than two of them shall be members of the same political party. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified; *provided, however*, that the first members of the board appointed hereunder shall hold office until the first Monday in January, nineteen hundred and five, and until their successors are appointed and qualified.

That section ninety-three of the charter be amended to read as follows:

Section 93. The Police Department shall consist of the Chief of Police and as many subordinate officers and such policemen and detective officers and employés as the Council shall, by ordinance, determine. All appointments and removals in the Police Department shall be made by the Board of Police Commissioners, subject to such civil service regulations as are now or may hereafter be in force.

That section ninety-four of the charter be amended to read as follows:

Section 94. The salaries of members and employes of the Police Department not herein elsewhere provided for shall be fixed by the Council by ordinance.

That a new section be added to the charter to be known as section ninety-five *a*, and to read as follows:

Section 95*a*. The Board of Police Commissioners shall have power to grant permits, under and in conformity to the ordinances of said city, authorizing the City Clerk to issue licenses to persons desiring to engage in the sale of liquors, and to revoke any such permit when it shall appear to the board that the business of the person to whom such permit was given is conducted in an illegal, disorderly, or improper manner. Without such permit no person shall engage in the business of selling liquor.

That section one hundred and seven of the charter be amended to read as follows:

Section 107. The Mayor, who shall be ex officio a member and president of the board, and four citizens to be appointed by the Mayor, subject to confirmation by a majority of the Council, shall constitute the Board of Fire Commissioners of the city. The appointive members of the board shall serve without compensation, and not more than two of them shall be members of the same political party. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified; *provided, however*, that the first members of the board appointed hereunder shall hold office until the first Monday in January, nineteen hundred and five, and until their successors are appointed and qualified.

That section one hundred and nine of the charter be amended to read as follows:

Section 109. The Fire Department shall consist of a Chief Engineer and Assistant Chief Engineer, a secretary of the department, and as many engineers of the first class, engineers of the second class, relief engineers, captains of the first class, captains of the second class, lieutenants, drivers of the first class, drivers of the second class, drivers of the third class, tillermen, hosemen, laddersmen, drivers of supply wagons, and other employes as the Council may, by ordinance, from time to time, determine to be necessary. All appointments and removals in the department shall be made by the Board of Fire Commissioners, subject to such civil service regulations as are now or may hereafter be in force.

That section one hundred and ten of the charter be amended to read as follows:

Section 110. The salaries of all officers and employes of the fire department, not herein elsewhere provided for, shall be fixed by the Council, by ordinance.

That section one hundred and fourteen of the charter be amended to read as follows:

Section 114. The Mayor, who shall be ex officio a member and president of the board, and four citizens to be appointed by the Mayor, subject to confirmation by a majority of the Council, shall constitute the Board of Park Commissioners of the city. The appointive members of the board shall serve without compensation, and not more than two of them shall be members of the same political party. The appointive members of the board shall hold office for two years, and until their successors are appointed and qualified; *provided, however*, that the first members of the board appointed hereunder shall hold office until the first Monday in January, nineteen hundred and five, and until their successors are appointed and qualified.

That section one hundred and twenty of the charter be amended to read as follows:

Section 120. There is hereby established in and for the City of Los Angeles a department to be known as the Board of Health, to consist of five members, viz.: The Mayor, who shall be ex officio a member and president of the board, and four citizens, to be appointed without regard to their political opinions, by the Mayor, subject to confirmation by a majority of the Council. Three of said citizens shall be physicians in good standing and graduates of some reputable medical college.

That section one hundred and twenty-four of the charter be amended to read as follows:

Section 124. The board shall appoint and, for good cause, may remove, a health officer who shall also act as City Physician, and whose duties as such shall be defined by ordinance. He shall be a graduate of a reputable medical college and shall have practiced medicine at least seven years, and shall have been a citizen and resident for two years in this city, and have his license to practice medicine recorded with the County Clerk of Los Angeles County, in accordance with the laws of the State of California regulating the practice of medicine. He must reside within the city limits and devote his entire time to the duties of his office. The board shall appoint all assistants to said health officer, and all employes in the Health Department, the number of such assistants and employes and their compensation to be fixed from time to time by ordinance.

That Articles XIV, XV, XVI, and XVII of the charter be repealed; *provided, however*, that such repeal shall not affect any proceedings that may be pending under any of said articles at the time this amendment goes into effect.

That the city charter be amended by adding thereto two new sections, to be known as sections one hundred and ninety-eight *a*, and one hundred and ninety-eight *b*, and to read as follows:

Section 198*a*. *The Initiative*. Any proposed ordinance may be submitted to the Council by a petition signed by registered electors of the city, equal in number to the percentages hereinafter required. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the City Clerk shall examine and from the great register

ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the Council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the Clerk shall submit the same to the Council without delay.

If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, and contains a request that said ordinance be submitted forthwith to a vote of the people at a special election, then the Council shall either:

(a) Pass said ordinance without alteration within twenty days after the attachment of the Clerk's certificate of sufficiency to the accompanying petition (subject to a referendum vote, under the provisions of section one hundred and ninety-eight *b* of this charter); and if the ordinance shall be passed by the Council, but shall be vetoed by the Mayor, and on reconsideration shall fail of passage by the Council, then, within five days after determination that said ordinance shall have so failed of final adoption, the Council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people; or

(b) Forthwith after the Clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the Council shall proceed to call a special election at which said ordinance, without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least five per cent but less than fifteen per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, then such ordinance, without alteration, shall be submitted by the Council to a vote of the people at the next general municipal election that shall occur at any time after thirty days from the date of the Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

The ballots used when voting upon said proposed ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating general nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people, can not be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; *provided*, that there shall not be held under this section of the charter more than one special election in any period of six months.

The Council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended, accordingly. Whenever any ordinance or proposition is required by this charter to be submitted to the voters of the city, at any election, the City Clerk shall cause the ordinance or proposition to be printed, and he shall enclose a printed copy thereof in an envelope with a sample ballot and mail the same to each voter, at least ten days prior to the election, but the City Council may order such ordinance or proposition to be printed in the official newspaper of the city and published in like manner as ordinances adopted by the Council are required to be published, and may order that such publication shall take the place of the printing and mailing of the ordinance or proposition and of the sample ballot as first above provided.

Section 198b. The Referendum. No ordinance passed by the City Council (except when otherwise required by the general laws of the State or by the provisions of this charter, respecting street improvements, and except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency, and is passed by a two-thirds vote of the Council, but no grant of any franchise shall be construed to be an urgency measure, but all franchises shall be subject to the referendum vote herein provided), shall go into effect before thirty days from the time of its final passage and its approval by the Mayor; and if during said thirty days a petition signed by electors of the city equal in number to at least seven per cent of the entire vote cast for all candidates for Mayor at the last preceding general election at which a Mayor was elected, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Council to reconsider such ordinance, and if the same is not entirely repealed, the Council shall submit the ordinance as is provided in section one hundred and ninety-eight *a* of this charter, to the vote of the electors of the city, either at the next general election or at a special municipal election to be called for that purpose, and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section one hundred and ninety-eight *a*, except as to the percentage of signers, and be examined and certified by the Clerk in all respects as is therein provided.

That there be added to the charter a new section, to be known as section one hundred and ninety-eight c, and to read as follows:

Section 198c. *The Recall.* The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the City Clerk; *provided*, that the petition sent to the Council shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of filing such petition the City Clerk shall examine and from the great register ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the Council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The Clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be found to be sufficient the Clerk shall submit the same to the Council without delay. If the petition shall be found to be sufficient the City Council shall order, and fix a date for holding, the said election, not less than thirty days nor more than forty days from the date of the Clerk's certificate to the Council that a sufficient petition is filed.

The City Council shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned, and the result thereof declared, in all respects, as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and, unless he requests otherwise, in writing, the Clerk shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receive the highest number of votes the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he shall continue in office.

That section two hundred and twenty-three of the charter be amended to read as follows:

Section 223. The indebtedness of said city must not exceed the sum of five million dollars, exclusive of any indebtedness that has been or may hereafter be incurred for the purpose of acquiring or establishing a system of waterworks for supplying the inhabitants of the city with water, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers, for the collection and disposition of the sewage of the city, and of any indebtedness that has been or may hereafter be incurred for the purpose of constructing sewers for the collection and disposition of storm waters in the city. For any or all of these purposes a further indebtedness may be incurred by the issue of bonds under the provisions and subject only to the limitations of the Constitution and general laws.

That a new article be added to the charter, to be known as Article XXIII, to read as follows:

ARTICLE XXIII.

Section 229. Immediately upon the adoption of this article, the Mayor shall appoint, subject to confirmation by the Council, five persons known by him to be devoted to the principles of civil service reform, who shall constitute and be known as the Board of Civil Service Commissioners. They shall serve for the term of four years and without compensation. They shall so classify themselves by lot that one of them shall go out of office at the end of one year; one at the end of two years; one at the end of three years, and two at the end of four years. Three commissioners shall constitute a quorum. All appointments to said commission, both original and to fill vacancies, shall be made by the Mayor, subject to confirmation by the Council, and shall be so made that not more than three members shall at the same time be members of the same political party. Said commissioners shall hold no other office or public employment.

Section 230. The Mayor, with the consent of the Council, may remove any commissioner for incompetency, neglect of duty, or malfeasance in office.

Section 231. Said commission shall classify all the offices and places of employment mentioned in section two hundred and thirty-nine of this article with reference to the examination herein provided for. The offices and places so classified by the commission shall constitute the classified civil service of said city; and no appointment to any such

offices or places shall be made, except under and according to the rules hereinafter mentioned.

Section 232. Said commission shall make rules to carry out the purposes of this article and for the examinations and appointments in accordance with its provisions, and the commission may, from time to time, make changes in such rules.

Section 233. All rules made as hereinbefore provided, and all changes therein, shall be printed for distribution by said commission. The commission shall give notice by publication in the official paper of the place or places where said rules may be obtained, and in such publication shall be specified the date, not less than thirty days subsequent to the date of such publication, when said rules shall go into operation.

Section 234. All applicants for office, places, or employments in said classified civil service, shall be subject to examination, which shall be public, competitive, and free to all citizens of the United States, with specified limitations as to residence, age, sex, health, habits, and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and when appropriate shall include tests of physical qualifications, health, and manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, obtain the assistance of a suitable person or number of persons to aid it in preparing for and conducting such examinations.

Section 235. Notice of time, place, and general scope of every examination shall be given by the commission by publication, for two weeks preceding such examination, in the official paper, and such notice shall also be posted by said commission in a conspicuous place at the city hall, and in its office, two weeks before such examination. Such further notice of examination shall be given as it may prescribe.

Section 236. From the examinations made by the commission, the commission shall prepare a register in each grade or class of position in the classified civil service of the city, of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rule of said commission, and who are otherwise eligible, and such persons shall take rank upon the register as candidates in order of their relative excellence as determined by examination, without reference to priority of the date of examination.

Section 237. The commission shall by its rules provide for the promotion in such classified civil service on the basis of ascertained merit and seniority in service and examination, and shall provide in all cases where it is practicable that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination; and it shall be the duty of the commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating; but in fixing said rating a uniform allowance of credits, to be stated at the time of the announcement of said examination, shall be made for each year of past service. The method of examination and the rules governing the same, and the method of certifying, shall be the same as provided for applicants for original appointment.

Section 238. The head of the department in which a position classified under this article is to be filled shall notify said commission of that fact, and said commission shall certify to such officer the name and address of one or more candidates, not exceeding three, standing highest on the register for the class or grade to which said position belongs. In making such certification sex shall be disregarded, except when some statute, the rules of said commission, or the appointing power specify sex. Said appointing officer or department shall notify said commission of each position to be filled separately, and shall fill such place from the names certified to him or it by said commission therefor. One of the candidates thus certified shall thereupon be appointed by said head of such department or officer and be employed on probation for a period to be fixed by said rules, but said rules shall not fix such date at exceeding six months. Each candidate, unless he shall be sooner appointed, or otherwise lawfully cease to be a candidate, shall be certified for appointment in the grade or class for which he is eligible not less than three times, and no candidate shall lose his place on the register by certification or rejection, except that said commission may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation, the head of a department or office in which the candidate is employed, may discharge him upon assigning in writing his reasons therefor to said commission. If he is not thus discharged during the period of probation, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department, or any officer or board may, under such regulations as the commission may by its rules prescribe, make temporary appointments in the classified civil service, to remain in force not exceeding sixty days, and only until regular appointment, under the provision of this article, can be made.

Section 239. The provisions of this article shall apply to the following departments of the city, to wit:

- The Department of the City Clerk,
- The Department of Electricity,
- The Fire Department,
- The Treasurer's Department,
- The Tax Collector's Department,

The Police Department,
 The Auditor's Department,
 The Assessor's Department,
 The Health Department,
 The Department of Building,
 The Waterworks Department,
 The Public Library,
 The Park Department,
 The City Engineer's Department,
 The Street Department,
 All departments of public utilities,
 All other employés of the city,
Provided, that the following shall be exempt therefrom, to wit:
 All officers elected by the people,
 All members of the different boards and commissions,
 The Mayor's clerk,
 The Chief of Police and his secretary,
 The chief deputy of the Treasurer,
 The chief deputy and cashier of the Tax Collector,
 The chief deputy of the City Engineer,
 The chief deputy of the Auditor,
 The City Superintendent of Schools and his deputies and teachers,
 The assistants and stenographers of the City Attorney,
 The City Prosecutor and the Assistant City Prosecutor,
 The Librarian,
 The Superintendent of Parks,
 The secretary of the Park Commission,
 The secretary of the Police Commission,
 The Superintendent of Buildings,
 The Humane Officer,
 The Chief Engineer of Fire Department,
 The Superintendent, Water Overseer, auditor, and cashier of the Waterworks Department,
 All physicians appointed on or by the Board of Health,
 All officers of election,
 The Police Surgeon,
 And all unskilled laborers employed by the day.

Section 240. The members of the police force shall be subject to removal and discharge as provided elsewhere in this charter.

Section 241. The members of the fire force shall be subject to removal and discharge as provided elsewhere in this charter.

Section 242. No officer or employé in the classified civil service of this city other than one belonging to the police force or fire force, who shall have been appointed under said rules, and after said examination, shall be removed or discharged except for cause upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be publicly investigated by the Civil Service Commission. The finding and decision of such commission shall be final and shall be certified to the appointing officer, and shall be forthwith enforced by such officer. Nothing in this article shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty days. In the course of an investigation of charges each member of the commission shall have power to administer oaths, and shall have the power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation for any cause. Nothing in this section shall be construed to require such charges or investigation in case of unskilled laborers.

Section 243. Immediate notice in writing shall be given by the appointing powers, to said commission, of all appointments, permanent or temporary, made in such classified civil service, and of all transfers, promotions, resignations, or vacancies from any cause in such service and of the date thereof, and a record of the same shall be kept by said commission. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report in writing to said commission.

Section 244. The commission shall investigate the enforcement of this article and its rules, and the conduct and action of the appointees in the classified civil service in this city.

Section 245. Said commission shall make an annual report to the Mayor for transmission to the Council. The Mayor may require a special report from said commission at any time.

Section 246. Said commission shall appoint a secretary, whose duty it shall be to keep minutes of its proceedings and a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

Section 247. All officers of said city shall aid the commission in all proper ways in carrying out the provisions of this article.

Section 248. The Council shall furnish said commissioners with suitable offices and shall provide furniture, books, stationery, blanks, heat, and light, and is authorized and

required to pay such other expenses as may be necessarily incurred by said commissioners in carrying out the provisions of this article.

Section 249. No officer or other person shall willfully or corruptly, by himself or in co-operation with one or more other persons, defeat, deceive, or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined, of being employed, appointed, or promoted.

Section 250. No applicant for appointment in said classified civil service, either directly or indirectly, shall pay or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment, or proposed appointment, and no other officer or employé shall pay, or promise to pay, either directly or indirectly, any money or other valuable thing whatever, for or on account of his promotion.

Section 251. The commission shall certify to the Auditor all appointments to offices or places in the classified civil service, or vacancies occurring therein, whether by dismissal, resignation, or death, and all findings that a person shall be discharged from the classified civil service.

Section 252. The Auditor shall not, nor shall any auditing or accounting officer of the city, approve any demand for the salary or wages of any person subject to the provisions of this article, for services as an officer or employé of such city, before the appointment of such person to the classified civil service has been certified, nor after the commission shall have certified to the Auditor a finding made or approved by it under the provisions of this article, that such person be discharged from the classified civil service.

Section 253. All officers and employé's, who, at the time of taking effect of this article, would be included in the classified civil service, and who shall have been continuously in the service of the city for a period of six months prior to the adoption of this article, shall be deemed to have the necessary qualifications required by the provisions hereof, and shall retain their respective positions until removed for cause, as provided herein. All officers and employé's, who, at the time of the taking effect of this article, would be included in the classified civil service, but who have been in the service of the city for a period of less than six months, shall, during a period of six months from and after the taking effect of this article, be deemed to be serving under probation and be subject to the same regulations as other candidates serving under probation, as hereinbefore provided in this article.

Section 254. The City Council of the City of Los Angeles shall have power to pass ordinances imposing suitable penalties for the punishment of persons violating any of the provisions of this article.

AND WHEREAS, Said proposed amendments were, and each of them was, published for twenty days in a daily newspaper printed and published in said city, and of general circulation therein, to wit, in "The Los Angeles Daily Journal," said publication ending on the 20th day of October, 1902; and

WHEREAS, Thereafter the City Council of said city did, by an ordinance known as Ordinance No. 7685 (new series), which was duly adopted on the 17th day of November, 1902, order the holding of a general municipal election in said City of Los Angeles, on the 1st day of December, 1902 (at least forty days after the publication of said proposed amendments for twenty days in said daily newspaper of general circulation in said City of Los Angeles, to wit, "The Los Angeles Daily Journal"), and did provide in said ordinance for the submission of said proposed amendments to the said charter to the qualified electors of said city for their ratification at said general municipal election; which said ordinance was approved by the Mayor of said city on the 17th day of November, 1902, and was published for at least ten days prior to the time appointed for the holding of said election, in "The Los Angeles Daily Journal," a daily newspaper printed and published in said city; and

WHEREAS, At said election more than three fifths of the qualified electors voting thereat voted in favor of the ratification of, and did ratify each and all of said proposed amendments to said charter; and

WHEREAS, The City Council of said City of Los Angeles, at a special meeting thereof, held within ten days after said election, duly canvassed the returns of said election, and duly found, determined, and declared that more than three fifths of such qualified electors voting at such election had voted for and ratified each and all of the said proposed amendments to said charter; and

WHEREAS, The said proposed amendments so ratified have been duly presented and submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment, in accordance with section eight of article eleven of the Constitution of the State of California;

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring (a majority of all members elected to each house voting for the adoption of this resolution and concurring herein), that the said amendments to the said charter of said City of Los Angeles, hereinbefore set forth, as presented and submitted to and adopted and ratified by the qualified electors of said city, be and the same are hereby approved as a whole for, and as amendments to, the said charter of said City of Los Angeles.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvaige, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—36.

NOES—Senators Curtin and Wolfe—2.

EXPLANATION OF VOTES.

Senators Curtin and Wolfe offered the following explanations of their votes, and asked that they be printed in the Journal, and it was so ordered:

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: I voted "no" on this resolution for the reason that it is manifestly apparent that Section 198^b thereof is unconstitutional; and as this body is required to either adopt or reject the amendments as a whole, I therefore am compelled to vote "no" thereon. Hitherto I have always voted in favor of the ratification of charters or amendments thereto as proposed by the voters of cities proposing the same, but no unconstitutional provisions were apparent therein.

J. B. CURTIN.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: I voted "no" on this resolution for the reason that it is manifestly apparent that Sections 198^b and 199^c thereof are unconstitutional; and as this body is required to either adopt or reject the amendments as a whole, I therefore am compelled to vote "no" thereon. Hitherto I have always voted in favor of the ratification of charters or amendments thereto as proposed by the voters of cities proposing the same, but no unconstitutional provisions were apparent therein.

E. I. WOLFE.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROLLMENT AND ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bill correctly engrossed:

Senate Bill No. 14—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States, existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

HUBBELL, Chairman.

Senate Bill No. 14 ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The hour heretofore set for the consideration of special order, being the consideration of Senate Bill No. 248—An Act making an appro-

priation for the contingent expenses of the Senate for the thirty-fifth session of the Legislature—having arrived, the same was taken up.

RESOLUTION.

The following resolution was offered :

By Senator Devlin :

Resolved, That Senate Bill No. 248 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—33.
NOES—None.

CASE OF URGENCY.

Senate Bill No. 248—An Act making an appropriation for the contingent expenses of the Senate for the thirty-fifth session of the Legislature.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 248 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—35.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS.

The following resolutions were offered:

By Senator Corlett:

Resolved, That the Controller is hereby directed to draw his warrant on the Contingent Fund of the Senate for \$69.83 in favor of C. S. MacMullan. The same being a balance due on claim ordered paid by the Senate during its thirty-fourth session, and unpaid because of depletion of fund. The Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Tyrrell of San Francisco:

Resolved, That the contested election case of Kenney vs. French be referred to a special committee of five members of the Senate to be appointed by the President, and that said committee, when appointed, shall have power to send for persons and papers.

Resolution read and adopted.

By Senator Bunkers:

Resolved, That Miss Kate Nealson be appointed Stenographer and Clerk for the Union Labor minority of the Senate, at a per diem of \$5.00. The Controller is directed

to draw his warrant in accordance with this resolution and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 5—Relative to approving several certain amendments to the charter of the City of San Francisco—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

SAVAGE, Chairman.

Senate Concurrent Resolution No. 5 ordered on file.

ON RULES.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on Rules, to whom was referred the following resolution:

Resolved, That the Rules of the Senate be amended so as to include the San Francisco Delegation as a standing committee, to which all matters pertaining to the interests of San Francisco shall be referred.

Resolved, That the said committee be allowed a Clerk at \$4 per diem.

Have had the same under consideration, and respectfully report the same back, and recommend that the resolution respecting the appointment of a Clerk be referred to the Committee on Contingent Expenses and Mileage.

PENDLETON, Chairman.

Resolutions referred to Committee on Contingent Expenses and Mileage.

Also the following, which, on motion of Senator Pendleton, were ordered printed in the Journal:

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on Rules respectfully report that they have had the matter of Standing Rules of the Senate under consideration, and recommend that the following be adopted as such Standing Rules:

STANDING RULES OF THE SENATE:

1. *Time of Meeting of Senate.*

The sessions of the Senate shall be daily (Sundays excepted), beginning at ten o'clock A. M.; and after Monday, January 26, 1903, a recess shall be given at twelve o'clock and thirty minutes P. M. to two o'clock P. M., unless otherwise ordered by vote of the Senate.

2. *Calling to Order—Reading Journal.*

The President shall call the Senate to order at the hour stated, and, if a quorum be present, the Journal of the proceedings of the preceding day shall be read, unless otherwise ordered by vote of the Senate.

3. *Order of Business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approving of the Journal of the preceding day.
4. Presentation of Petitions.
5. Messages from the Assembly.
6. Messages from the Governor.
7. Motions, Resolutions, and Notices.
8. Reports of Standing Committees.
9. Reports of Select Committees.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File.
12. Unfinished Business.
13. Special Orders of the Day.
14. Reports from the Committee on Enrolled and Engrossed Bills shall at all times be

in order; *provided*, that the messages from State officers, other than the Governor, and from the Assembly, may, on motion of any Senator, be considered at any time.

4. *President pro tem.—His Powers and Privileges.*

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate.

5. *The Duties of Secretary.*

1. It shall be the duty of the Secretary of the Senate to attend every day, call the roll, read all bills, amendments, resolutions, and all papers handed to him for that purpose by any member.

2. To superintend all copying and work necessary to be done for the Senate. To have supervision over all officers and employes of the Senate, other than the President of the Senate. To certify to, and transmit to the Assembly, all bills, resolutions, and papers requiring the concurrence of the Assembly, immediately after their passage or adoption by the Senate.

3. To keep a correct journal of the proceedings of the Senate.

4. To notify the Assembly on the concurrence or disagreement by the Senate in any vote of the Assembly.

5. To permit no papers or records belonging to the Senate to be taken out of its custody otherwise than in the regular course of business.

6. To assign to the Assistant Secretaries, and other officers, the duties pertaining to their offices.

6. *Attendance, Duties, and Obligations of Senators.*

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate is hereby authorized to send the Sergeant-at-Arms, or any other person, for any and all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators, respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund of the Senate; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or Acting President of the Senate, or less than a quorum thereof, shall have the power to issue process directed to the Sergeant-at-Arms, or to any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick or unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or any other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county, or of any county in the State.

7. *Reading of a Paper, if Objected to, Determined Without Debate.*

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

8. *Senators Must Address the President.*

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down.

No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken shall desire to do so.

9. *The Senators Entitled to Floor.*

When two or more Senators rise at once, the President shall name the Senator who is to speak first.

10. *Printing.*

Five hundred copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity. One copy of each bill or paper printed by order of the Senate shall be delivered to each Senator, and a number equal to the committee to which each bill is referred, and the balance shall be distributed according to law.

11. *Number of Copies to be Printed.*

Five hundred copies shall be printed of each document or other matter ordered, unless the Senate especially direct a different number.

12. *Executive Session.*

On a motion made and seconded, to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require an executive session, the President shall require all persons, except the Senators, President of Senate, Secretary, Sergeant-at-Arms, and Doorkeeper to withdraw, and during the discussion of

said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things whereof secrecy shall be enjoined by order of the Senate.

13. *Printing the Daily Journal.*

The Superintendent of State Printing shall print five hundred copies of the Journal of every day's proceedings of the Senate to supply Senators and Assemblymen daily, during the session, with the Journal of the previous day's proceedings; and also a sufficient number of copies, with proper repaging, to bind at the end of the session of the Legislature, in book form, as the Journal of the Senate, required by law.

14. *Committees—When to Report.*

All committees of the Senate shall report their action on all bills referred to them, within ten days, unless otherwise specially ordered, and when an extension of time is ordered, the Senate shall state the limit of such extension.

15. *Bills "Passed on File," Placed at Foot of File.*

When bills have been "passed on file" for the second time, they must be placed at the foot of the file in their regular order, unless otherwise ordered by the Senate.

16. *Standing Committees, Quorum of—What Constitutes.*

The standing committees shall determine the number of such committee which shall constitute a quorum; *provided*, that not less than one third of the number of members constituting such committee shall in any case constitute such quorum.

17. *Author to Speak Last.*

The author of a bill, motion, or resolution shall have the privilege of closing the debate.

18. *Form of Previous Question—Call of Senate.*

The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present, upon division; and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority of Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question.

19. *Order of Questions on Motion to Refer.*

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

20. *Order of Engrossing and Enrolling Bills.*

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt by said Engrossing Clerk. And all Senate bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt in writing of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

21. *Printing for the Senate.*

The Superintendent of State Printing shall not print for the use of the Senate any matter other than provided by law, unless upon a written order signed by the Secretary.

The Secretary may, when necessity requires, order from the State Printer such printing as he deems necessary to be printed in advance of the regular order of business, under a specially prepared written order, to be known as a "Rush Order."

22. *Petitions.*

Every vote and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall be entered on the Journal.

23. *No Records or Papers to be Taken from Desk.*

The Secretary of the Senate shall not suffer any records or papers to be taken from the desk, or out of his custody, by any person except a chairman of a committee; but he shall deliver any bill or paper to be printed to the Superintendent of State Printing, and all bills ordered engrossed or enrolled to the Committee on Enrolled and Engrossed Bills, and take their receipt therefor.

24. *Appointment of Committees.*

All standing committees of the Senate shall be named by the President of the Senate, unless otherwise ordered, and the first named shall be the chairman thereof. All other committees shall be appointed in such manner as the Senate shall determine.

25. *Assembly Bills to be Read First Time.*

All Assembly bills shall be read the first time, when taken up in Assembly messages, and then referred to the proper committee.

26. *Oaths and Affirmations.*

The oaths and affirmations required by the Constitution, and prescribed by law, shall be taken and subscribed by each Senator in open Senate, before entering upon his duties.

27. *Resolutions.*

Messages from the Governor (other than biennial messages and inaugural addresses), titles of bills, joint and concurrent resolutions, and constitutional amendments shall be printed in the Journal in full.

28. *Special Orders.*

Any subject may, by vote of two thirds of the Senators present, be made a special order, and when the time fixed for its consideration arrives, the presiding officer shall lay it before the Senate, unless there is unfinished business of the preceding day; and if it is not finally disposed of on that day, is to take its place on the file of special orders in the order of time at which it was made special, unless it become, by adjournment, the unfinished business.

29. *Voting.*

When a Senator declines to vote on a call of his name he shall be required to assign his reasons therefor, and having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll call and before the result is announced, and any further proceedings in reference thereto shall be after such announcement.

30. *Reconsideration.*

When a bill, resolution, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the Assembly, a motion to reconsider shall be accompanied by a motion to request the Assembly to return the same, which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

31. *Notice of Reconsideration.*

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a Senator voting with the majority; and it shall not be in order for any Senator to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn; and it shall require twenty-one votes to carry any motion to reconsider the vote by which any bill has been passed or defeated. No notice of reconsideration shall be in order on the day preceding the last day of the session.

32. *Secretary, upon Notice of Reconsideration, Not to Report Bill to Assembly.*

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired, unless the bill or resolution has been transmitted to the Assembly.

33. *Motion to Reconsider May be Debated.*

A Senator, after a notice of motion to reconsider is given, as provided in Rule 31, may, at the time of consideration of such motion, present the main question in his argument thereon, and the same may be debated by the Senate.

34. *Reference of Bills to Finance Committee.*

All bills or resolutions appropriating money from any fund within the control of the State shall be referred to the Committee on Finance before being read the second time.

35. *Standing Committees.*

1. Agriculture and Dairying; seven members.
2. Banking; five members.
3. Code Revision; seven members.
4. Commerce and Navigation; nine members.
5. Commissions, Retrenchment, and Reform; seven members.
6. Contingent Expenses and Mileage; five members.
7. Corporations; thirteen members.
8. Constitutional Amendments; seven members.
9. County Government; nine members.
10. Drainage, Swamp and Overflowed Lands; nine members.
11. Elections and Election Laws; nine members.
12. Education; eleven members.

13. Engrossment and Enrollment; three members.
14. Executive Communications; five members.
15. Federal Relations; three members.
16. Finance; thirteen members.
17. Fish and Game; nine members.
18. Forestry and Water Preservation; nine members.
19. Fruit and Vine Interests; nine members.
20. Hospitals and Asylums; eleven members.
21. Irrigation; nine members.
22. Judiciary; nineteen members.
23. Labor and Capital; nine members.
24. Library; seven members.
25. Manufactures and Immigration; nine members.
26. Military Affairs; five members.
27. Mining; seven members.
28. Municipal Corporations; seven members.
29. Printing; three members.
30. Prisons and Reformatories; thirteen members.
31. Public Health and Quarantine; five members.
32. Public Morals; five members.
33. Roads and Highways; nine members.
34. Rules; five members.

36. *Amendments to Original Question.*

An amendment may be laid on the table without prejudice to the bill. When an amendment proposed to any pending measure shall be laid on the table, it shall not carry with it or prejudice such measure.

If the question in debate contain several propositions, any Senator may have the same divided; except a motion to strike out and insert shall not be divided. But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition, nor shall it prevent a motion to simply strike out, nor shall the rejection of a motion to strike out prevent a motion to strike out and insert; but pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded, for the purpose of amendment as a question. And motions to amend the part to be stricken out shall have precedence.

37. *Engrossed Bills to be Examined and Reported.*

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the Assembly with proper indorsements, and the original retained by the Senate.

38. *Engrossed Bills Have Preference.*

All bills, after the second reading (if the same be not committed, then upon being reported), shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

39. *Amendments and Substitutes.*

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment; and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

40. *Amendments and Substitutes Must be Germane.*

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

41. *Least Sum and Shortest Time in Filling Blanks.*

In filling up blanks, the least sum or number and the shortest time shall be put first.

42. *Short of Final Question, Two-Thirds Vote Not Requisite on Propositions to Amend Constitution*

When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.

43. *Leave of Absence.*

When leave of absence shall be granted to any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by two-thirds vote, and no expenses or mileage of attachés shall be allowed.

44. *Claims on Contingent Fund Must Go to Committee on Contingent Expenses.*

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

45. *Order of Privileged Questions Under Debate.*

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

46. *Motion Not to be Debated Until Seconded and Announced.*

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any Senator, and read by the Secretary, before the same shall be debated. A motion may be withdrawn at any time before amendment.

47. *Senator, When Called to Order, Must Sit Down.*

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If a Senator be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

48. *Final Question on Second Reading of Bill—No Amendment on Third Reading, but May Commit.*

The final question on the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed and read the third time?" And no amendment shall be received for discussion at the third reading of any bill; but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

49. *Ayes and Noes—Members Must Answer—No Vote After Announcement of Vote.*

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision from the Chair.

50. *Introduction and Reading of Bills.*

Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized shall present the same; and the title shall be announced from the Secretary's desk, shall be read the first time, when it shall be referred to a standing committee. Every bill shall be read on three several days previous to its passage (unless, in case of urgency, two thirds of the Senate shall, by vote of ayes and noes, dispense with this provision), and the last reading shall be at length. The President shall give notice, at each of the second and third readings, which reading it is, and no bill shall be read at either reading until the Senate has so determined by a vote (should any Senator have objected to such reading). Joint and concurrent resolutions shall be read but once, unless the Senate, by a majority vote of all the Senators present, otherwise directs.

51. *The General File: Its Hours—Special Order of Bills on File.*

The General File shall be the special order for each day between such hours as the Senate may hereafter set, unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

52. *Titles of Bills Must be in Journal.*

The titles of bills and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.

53. *When Not in Committee of the Whole, Proceedings Must be Entered in Journal.*

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings.

54. *Rules in Senate and Committee of the Whole.*

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times speaking, and except that the ayes and noes shall not be taken.

55. Cases Not Provided for, Cushing to Govern.

In all cases not provided for by these rules, the Senate shall be governed by the laws and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

56. Suspending and Changing Rules.

No standing rule or order of the Senate shall be rescinded or changed without a vote of three fifths, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of three fifths of the Senators present, except that portion of Rule 52, relating to the final passage of bills. All proposed amendments to these rules shall be referred to the Committee on Rules without debate.

57. Powers and Prerogatives of President.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, and bills of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

58. President may Order Lobbies Cleared.

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole) shall have power to order the same cleared.

59. President may Call Senators to the Chair.

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

60. Sergeant-at-Arms.

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms, for every arrest, for each day's custody and releasement, and the traveling expenses for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required so to do, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator or person to whom the check is made), and pay over the same to the Senator or person entitled thereto.

61. Messengers—When Introduced.

Messengers are introduced in any stage of business, except while a question is being put, while the ayes or noes are being called, while the ballots are being counted, or while a Senator is addressing the Senate.

62. Doorkeeper.

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, ex-Senators, members of the Assembly, State officers, officers of the two houses, and such reporters as have seats assigned to them by the President, from coming within the bar of the Senate, unless invited by the President, or a Senator, and to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.

63. Executive Communications and Nominations.

When executive communications or nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be referred to the Committee on Executive Communications, unless otherwise ordered by the Senate, which motion shall be determined without debate.

64. Printed Bills, etc., Must be Placed on Desks.

All bills, joint and concurrent resolutions, when printed, must be placed on the desks of Senators at least one hour previous to the opening of session.

65. San Francisco Delegation.

The members of the Senate from the City and County of San Francisco shall constitute a standing committee, to be known as the San Francisco Delegation.

PENDLETON, Chairman.

SPECIAL ORDER SET.

On motion of Senator Pendleton, consideration of the rules was made the special order for Friday, January 23, 1903, immediately after reading of the Journal.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 21, 1903.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 4—Relative to an appropriation by Congress for the purchase of Nacimiento Ranch for military camp—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HAHN, Chairman.

Senate Joint Resolution No. 4 ordered on file.

CONSIDERATION OF SENATE JOINT RESOLUTION.

Senator Flint asked for unanimous consent to immediately consider Senate Joint Resolution No. 4.

SENATE JOINT RESOLUTION NO. 4.

Relative to an appropriation by Congress for the purchase of Nacimiento Ranch for a military instruction camp.

WHEREAS, The Nacimiento Ranch, in San Luis Obispo and Monterey counties, has been selected by the War Department for a military instruction camp; and

WHEREAS, But one such camp has been ordered to be established on the Pacific Coast; therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That we respectfully instruct our Senators and request our Representatives in the Congress of the United States, to use all honorable means to secure such appropriation at this session of Congress;

Resolved, That the Secretary of the Senate be directed to forward a copy of this resolution, by telegraph, to our Senators and Representatives in Congress.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Joint Resolution No. 4 was adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Selva, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—30.

NOES—None.

Resolution ordered transmitted to Assembly.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, January 21, 1903.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education, and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

Also: Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among steam engineers in the State of California—have had the same under consideration, and respectfully report a substitute therefor, with the recommendation that the substitute do pass.

FRENCH, Chairman.

Senate Bill No. 118 ordered on file.

Senate Bill No. 62 ordered on file, and committee substitute for same ordered to print.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 15—An Act to create and establish two new reclamation districts of this State, to be known, respectively, as Union Island Reclamation District No. 1 and Union Island Reclamation District No. 2, embracing within their respective territorial limits a portion of Union Island, in San Joaquin County, to define the boundaries of such districts, and provide for the organization and government thereof, and to dissolve all other reclamation districts in conflict therewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUCHSINGER, Chairman.

Senate Bill No. 15 ordered on file.

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby instructed to purchase for the use of the members of the Senate forty-five copies of Fairall's Criminal Law and Procedure and Penal Code, the same to be paid for out of the Contingent Fund of the Assembly.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

FLINT, Chairman.

Report read and adopted, and resolution refused adoption.

Also:

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the Secretary of the Senate be and is hereby authorized and instructed to substitute the name of Oscar Crandall on the payroll as Page for that of James Nelson, and the Controller is hereby directed to draw his warrant in favor of the said Oscar Crandall for any money now due the said James Nelson.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

Report and resolution read and adopted.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 90—An Act entitled an Act authorizing and directing the State Board of Prison Directors to cut, manufacture, and sell stone to cities, counties, or cities and counties, for bridge and road purposes—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Labor and Capital.

Also: Senate Bill No. 55—An Act entitled an Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 107—An Act entitled an Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 1203 and 1215 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHN R. TYRRELL, Chairman.

Senate Bill No. 90 referred to Committee on Labor and Capital.

Senate Bills Nos. 55 and 107 ordered on file.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new

section to Article IX to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences"—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

WARD, Chairman.

Senate Constitutional Amendment No. 4 ordered on file.

SPECIAL ORDER SET.

On motion of Senator Welch, consideration of Senate Concurrent Resolution No. 5—Approving seven certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco at a special election held therein for that purpose on the 4th day of December, 1902—was made a special order for to-morrow, following the special order already set for consideration, immediately after the reading of the Journal.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

SPECIAL COMMITTEE ON ELECTION CONTEST.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: A majority of your special committee on election contest of J. A. Hubbard vs. Clifford Coggins for a seat in the Senate, beg leave to report that we have had the same under consideration, and after examination of the papers therein and listening to the claims and arguments of the contestant and contestee, represented by counsel, we believe that said contestee, Clifford Coggins, is entitled to his seat.

The pleadings in this contest do not charge any actual fraud, but base the contest upon constructive fraud. This committee is of the unanimous opinion that fraud, which results from marks placed upon ballots and denominated as distinguishing marks, should not be a ground of contest, unless such marks were the result of a pre-arranged plan or agreement to place them there by the voter, which is not claimed by the contestant to have been the case.

The committee is of the unanimous opinion that the intention of the voter should prevail, and distinguishing marks upon ballots, not the result of actual fraud, should be disregarded;

And therefore, as the abstract of statement of the vote polled in the Second Senatorial District of California, so far as the same relates to the votes given for persons for Senator, as furnished this committee by the Secretary of State, shows upon its face that said Coggins received a plurality of the votes cast at the last general election for said office, the same being certified to by George L. Tomb, the County Clerk of Lassen County; therefore be it

Resolved, That Clifford Coggins be and he is hereby declared to be entitled to retain his seat and to retain the office of Senator from, and in, and for, the Second Senatorial District of the State of California.

RALSTON, Chairman.
KNOWLAND.
GREENWELL.

SPECIAL COMMITTEE ON ELECTION CONTEST—(MINORITY REPORT).

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: I am opposed to, and differ from, the majority in the result this day declared in the action of Hubbard vs. Coggins.

While I am in favor of considering that no ballot should be declared illegal as having identifying marks upon it, unless it be shown that such identifying marks were actually placed there by previous agreement or combination—in other words, I shall not indulge in the presumption of constructive fraud, and am therefore willing that the attorney for contestant and contestant himself, as is requested by them, shall be given until three o'clock to-morrow afternoon, January 23, 1903, at which time to fully and fairly state what evidence, if any, tending to establish actual fraud in the casting of any ballot for contestee, or the declaration of the result in any precinct in the Second Senatorial District, and that if any actual fraud can be shown, the result of which would change the result in the total number of votes cast in said Second Senatorial District for the contestant and against the contestee—I am in favor of the committee bearing all such evidence and determining the result thereof.

For that reason I dissent from the views of the majority of this committee, and ask that the majority report be not adopted, and that the matter be referred back to the committee, and that the committee hear contestant and his counsel as to what evidence they desire to introduce in the premises.

Respectfully submitted.

J. B. CURTIN.

Senator Ralston moved the adoption of the majority report.

Report and resolution read.

The question being on the adoption of the majority report and resolution.

The roll was called, and the majority report and resolution adopted by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—31.

NOES—Senator Curtin—1.

EXCUSED FROM VOTING.

When Senator Coggins's name was called he arose and asked that unanimous consent be given him to refrain from voting, as he had a personal interest in the pending contest.

Unanimous consent granted.

REPORT OF SPECIAL COMMITTEE.

The following report and resolutions of the special committee to investigate attachés of the Senate was received :

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your special committee of three, appointed pursuant to a resolution offered by Senator Emmons on January 19th, to investigate the standing of all attachés of the Senate, beg leave to report as follows:

That the Sergeant-at-Arms and Secretary of the Senate appeared before said committee with the roll of attachés; that said Sergeant-at-Arms and Secretary of the Senate declared that the attachés upon said roll were regularly reporting and performing the duties of their respective offices; that the Sergeant-at-Arms offered certain suggestions which your committee indorse and embody in the following resolution:

Resolved, That William Reagan be transferred from Doorkeeper to Messenger to the State Printer, and that the name of Martin Brady be substituted for that of F. McQuade as Committee Sergeant-at-Arms; and be it

Further resolved, That the Sergeant-at-Arms be given power to make transfers in the list of attachés where necessary for the betterment of the service, providing there be no change in the per diem.

KNOWLAND, Chairman.

Report and resolutions read and adopted.

LEAVE OF ABSENCE.

Senator Savage was, on his own motion, granted leave of absence until Tuesday, January 27, 1903.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Coggins: Senate Concurrent Resolution No. 7 -Relating to the creation of proposed forest reserves in the State of California, and requesting the Boards of Supervisors and District Attorneys of counties therein affected thereby to gather and compile data, information, statistics, and maps, showing the injurious effects of the creation of such reserves.

Referred to Committee on Forestry and Water Preservation.

By Senator Tyrrell of San Francisco: Senate Bill No. 252—An Act to amend an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, by adding thereto a new section after Section 4 thereof, relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 253—An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 254—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Bill read first time, and referred to Committee on Judiciary.

By Senator Coggins: Senate Bill No. 255—An Act to appropriate \$2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Bill read first time, and referred to Committee on Finance.

By Senator Tyrrell of San Francisco: Senate Bill No. 256—An Act to repeal Section 667 of the Penal Code of the State of California, in reference to punishment for second offenses.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 257—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lukens: Senate Bill No. 258—An Act making an appropriation of two hundred and fifty thousand (\$250,000) dollars for the construction of a building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the accommodation of the students of the University; also providing for the time of payment thereof, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 259—A bill to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and stenographer, and to appropriate money therefor.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 260—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for nonpayment of taxes.

Bill read first time, and referred to Committee on Judiciary.

By Senator Tyrrell of Nevada: Senate Bill No. 261—An Act to create and establish a commission to revise, systematize, and reform the laws of this State, and also the rules and regulations governing and pertaining to the National Guard of California, and for the appointment of the members of the said commission, to be known as "The Commissioners for the Revision and Reform of the Laws, Rules, and Regulations Govern-

ing the National Guard of California," and to provide for the expenses of said commission, and to appropriate money therefor.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 262—An Act to amend Sections 319, 320, 321, 323, 324, 325, and 326, of the Penal Code of the State of California, relating to crimes and punishments.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Smith: Senate Bill No. 263—An Act to appropriate the sum of \$40 to pay the claim of B. M. Poore for money due and owing the said B. M. Poore from the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Selva: Senate Bill No. 264—An Act to appropriate \$40,000 out of any money in the State Treasury not otherwise appropriated, to permanently drain Lake Earl, in Del Norte County.

Bill read first time, and referred to Committee on Finance.

By Senator Hahn: Senate Bill No. 265—An Act to create and provide for the appointment of a Board of State Voting Machine Commissioners, prescribing their duties and powers, and fixing their compensation.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 266—An Act to provide for the use and purchase of ballot machines for registering and counting votes in counties, cities, or any parts thereof, at any and all elections held therein.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Curtin: Senate Bill No. 267—An Act to appropriate the sum of \$290 to pay the claim of George Conway for money due and owing the said George Conway based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891," and regulating the procedure therein, approved March 23, 1901.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 268—An Act to appropriate the sum of one thousand dollars to pay the claim of M. Zirker for money due and owing the said M. Zirker, based upon a judgment recovered by the said M. Zirker against the State of California, in the Superior Court of Merced County, California, on the 25th day of November, A. D. 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Bill read first time, and referred to Committee on Finance.

By Senator Lardner (by request): Senate Bill No. 269—An Act regulating the furnishing of light or power to incorporated cities, manner of payment for the same, and penalty for violation of the provisions of said Act.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Devlin: Senate Bill No. 270—An Act authorizing the appointment of a secretary by the Chief Justice of the Supreme Court, and fixing the tenure of office, duties and salary of such secretary.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 271—An Act adding a new section to the Political Code, providing for a private secretary to the Chief Justice of the Supreme Court, and amending Section 739 of the Political Code, relating to officers and attachés of the Supreme Court and their salaries.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 272—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to sewers.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Constitutional Amendment No. 13—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature, and by amending Section 4 of Article V thereof, relating to declaring elections of Governor.

Referred to Committee on Constitutional Amendments.

By Senator Welch: Senate Bill No. 273—An Act for the relief of Charles D. Douglas.

Bill read first time, and referred to Committee on Finance.

By Senator Corlett: Senate Bill No. 274—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof; to provide the penalty therefor, and to appropriate money to enforce the same.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Diggs: Senate Bill No. 275—An Act to appropriate \$500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of the Superior Court of the County of Butte.

Bill read first time, and referred to Committee on Finance.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Lukens:

Resolved, That the State Printer be and is hereby instructed to print for the use of the Senate, 500 copies of the Journals of the Senate, commencing with January 5, 1903, and ending with Journal of January 22, 1903.

Resolution read and adopted.

ADJOURNMENT.

At one o'clock and ten minutes P. M., on motion of Senator Pendleton, the Senate adjourned until ten o'clock A. M. of Friday, January 23, 1903.

IN SENATE.

SENATE CHAMBER,
Friday, January 23, 1903. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Sanford, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—30.

Quorum present.

PRAYER.

Prayer by the Rev. J. V. Stevenson, of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 22, 1903, its further reading was dispensed with, on motion of Senator Corlett.

APPROVAL OF JOURNALS.

The Journals of Monday, January 19th, and Tuesday, January 20, 1903, having been previously read and corrected, were approved.

LEAVES OF ABSENCE

Senator Belshaw was, on motion of Senator Caldwell, granted a leave of absence for the day.

Senator Welch was, on motion of Senator Tyrrell of Nevada, granted a leave of absence for the day.

Senator Byrnes was, on motion of Senator Leavitt, granted a leave of absence for the day.

Senators Rowell and Flint were, on motion of Senator Luchsinger, granted leaves of absence until Monday, January 26, 1903.

At ten o'clock and twenty minutes A. M., Hon. Frank W. Leavitt, Senator from the Sixteenth Senatorial District, in the chair.

CONSIDERATION OF SPECIAL ORDERS.

The hour heretofore set for the consideration of the special order, being the consideration of the report of Committee on Rules of the Senate, printed in the Journal of January 22, 1903, having arrived, the same was taken up.

Standing Rules of the Senate read and adopted.

The hour heretofore set for the consideration of the special order, being the consideration of Senate Concurrent Resolution No. 5—Approving seven certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco at a special election held therein for that purpose on the 4th day of December, 1902—having arrived, the same was taken up.

SENATE CONCURRENT RESOLUTION No. 5.

Approving seven certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco at a special election held therein for that purpose on the Fourth day of December 1902.

WHEREAS, The City and County of San Francisco, State of California, contains a population of over three hundred and forty thousand inhabitants, and has ever since the eighth day of January in the year Nineteen hundred and is now organized and acting under a freeholders' charter, adopted under and by virtue of section eight of article eleven of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City and County, at an election held for that purpose on the twenty-sixth day of May eighteen hundred and ninety-eight, and approved by the Legislature of the State of California on the twenty-sixth day of January eighteen hundred and ninety-nine (Statutes of 1899, page 241) and which Charter has never been amended; and

WHEREAS, The Legislative authority of said City and County, namely, the Mayor and the Board of Supervisors thereof, duly proposed to the qualified electors of the City and County of San Francisco eight certain amendments to the Charter of said City and County by the passage and approval of the seven following ordinances of said City and County, to wit:

Ordinance No. 526, entitled "Describing and setting forth proposals, to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County of San Francisco by amending Sections 1, 2, 3, 4, 6, 7 and 8 of Article XII thereof, by repealing Section 5 of said Article, and by renumbering Sections 6, 7, 8, 9, 10, 11, 12, 13 and 14 of said Article so that they shall be known respectively, as Sections 5, 6, 7, 8, 9, 10, 11, 12 and 13 of said Article XII, all relating to the acquisition of public utilities by the City and County, and by amending Section 29 of Article XVI of said Charter, relating to the construction and acquisition of municipal improvements by the City and County," passed July 14th, 1902, and approved July 21st, 1902.

Ordinance No. 527, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 21 of Chapter I of Article VI of said Charter, relative to contracts made and entered into by the Board of Public Works of said City and County for work or improvements authorized or ordered by the Supervisors of said City and County," passed July 14th, 1902, and approved July 21st, 1902.

Ordinance No. 528, entitled "Describing and setting forth proposals to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 2, 4 and 16, respectively, of Chapter II of Article VI of said Charter, relating to street work and street improvement in said City and County," passed July 14th, 1902, and approved July 21st, 1902.

Ordinance No. 529, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County of San Francisco by amending Section 1, Chapter IV, Article IV of said Charter, relating to the salary of the assessor," passed July 14th, 1902, and approved July 21st, 1902.

Ordinance No. 530, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County of San Francisco by amending Section 29, of Chapter II, Article VI of said Charter, relating to the cleaning and sprinkling of the public streets," passed July 14th, 1902, and approved July 21st, 1902.

Ordinance No. 535, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County of San Francisco by amending Section 1, Chapter II, Article II, of said Charter, by adding a new subdivision to be known as Subdivision 36, relating to the relief of aged, indigent, and infirm exempt firemen who served in the Volunteer Fire Department between the years 1850 and 1866," passed July 21st, 1902, and approved July 26th, 1902.

Ordinance No. 543, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 27, Section 1, Chapter II, Article II of said Charter, relating to the regulation of street railroads, tracks and cars," passed August 4th, 1902, and approved August 9th, 1902, and

WHEREAS, Said seven ordinances aforementioned containing said eight proposed amendments to said Charter were in accordance with the provisions of Section eight of Article eleven of the Constitution of the State of California, published for twenty days, after their passage and approval, in "The Evening Post," a daily newspaper of general circulation in the City and County of San Francisco, and the Official Newspaper of said City and County; and

WHEREAS, The said legislative authority of said City and County, did by Ordinance No. 558, entitled "Calling a special election for the purpose of submitting to the qualified electors of the City and County of San Francisco, eight certain proposals to amend the Charter of said City and County," passed October 13th, 1902, and approved October 13th, 1902, called a special election to be held on Thursday the fourth day of December

Nineteen hundred and two, for the purpose of submitting to the qualified electors of said City and County said eight proposed amendments to said charter; and

WHEREAS, Said special election was held in said City and County of San Francisco on the said fourth day of December 1902, which day was more than forty days after said proposed amendments had been published for twenty days in "The Evening Post" Newspaper; and

WHEREAS, On the eighth, ninth and tenth days of December 1902 at Meetings duly convened in accordance with law and the Charter of the City and County of San Francisco, the Board of Election Commissioners of the said City and County duly and regularly canvassed the returns of said special election, and duly declared the results thereof, said Board being by law and the Charter authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in said City and County, and

WHEREAS, At said special election so held on the fourth day of December 1902 seven of said proposed amendments were ratified by a majority (and more than three-fifths) of the electors voting thereon, and one of said proposed amendments received less than a majority of the votes of said electors, and

WHEREAS, Thereafter, to wit, on the fifteenth day of December, 1902, the said Board of Election Commissioners duly filed with the Board of Supervisors the "Official Statement of votes polled at the special election held in the City and County of San Francisco, State of California, on Thursday the fourth day of December A. D. 1902, for Charter Amendments," and also filed a duplicate thereof in the Office of the Secretary of the State of California, and

WHEREAS, The said seven amendments so ratified by the electors of the City and County of San Francisco at said Election are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section eight of Article eleven of the Constitution of the State of California, and are in words and figures as follows, to wit:

AMENDMENTS TO THE CHARTER OF THE CITY AND COUNTY OF SAN FRANCISCO, RATIFIED BY A MAJORITY (AND MORE THAN THREE-FIFTHS) OF THE ELECTORS VOTING AT THE SPECIAL ELECTION HELD FOR THAT PURPOSE ON THURSDAY, THE FOURTH DAY OF DECEMBER, 1902.

That Subdivision twenty-seven, Section one, Chapter II, Article II, of said Charter be amended so as to read as follows:

27. To regulate street railroads, tracks and cars; to permit two or more lines of street railways, operated under different managements, to use the same street, each paying an equal portion for the construction and repair of the tracks and appurtenances used by said railways jointly for such number of blocks consecutively, not exceeding ten blocks; to fix, establish and reduce the fares and charges for transporting passengers and goods thereon; to regulate rates of speed, and to pass ordinances to protect the public from danger or inconvenience in the operation of such roads.

That Section 1, Chapter II, Article II, of said Charter be amended by adding a new subdivision to be known as Subdivision 36, and to read as follows:

36. To allow not to exceed the sum of five thousand dollars a year for the relief of aged, indigent and infirm exempt firemen who served in the Volunteer Fire Department between the years 1850 and 1866.

That Section 1 of Chapter four of Article four of said Charter be amended so as to read as follows:

Section 1. There shall be an Assessor of the City and County, who shall be an elector of the City and County at the time of his election, and who must have been such for at least five years next preceding such time. He shall be elected by the people and hold office for four years. He shall receive an annual salary of eight thousand dollars, which shall be in full compensation for all his services. He may appoint a chief deputy, who shall receive an annual salary of twenty-four hundred dollars; one cashier, who shall receive an annual salary of eighteen hundred dollars; six assistant deputies, who shall each receive an annual salary of eighteen hundred dollars; twenty-one clerks, who shall each receive an annual salary of twelve hundred dollars; and during four months of the year not more than one hundred clerks, who shall each be paid at the rate of not more than one hundred dollars a month during the time of their employment.

That Section 2 of Chapter II of Article VI of said Charter be amended so as to read as follows:

Section 2. Application for the doing of any such work or improvement must in the first instance, except where otherwise provided in this Article, be made in writing to the Board of Public Works by an owner or owners of property liable to be assessed for the same, or by their agents, or by the Board of Health for sanitary reasons, or by the Supervisors, expressed by resolution.

Such application need but in general describe or refer to the work or improvement applied for; and if the expense thereof or any portion of such expense is to be assessed upon private property, the Board of Public Works shall investigate the same, and may modify, amend, alter, or increase the same, as it may deem proper; and if the Board determine that the work or improvement so applied for, or as so modified, amended, altered or increased, is expedient, it shall so report to the Supervisors; the Supervisors shall not order any such improvement until the same has been recommended by said Board. When the construction of any sewer or drain shall involve a cost of more than

five dollars per lineal foot for any block, it shall not be authorized except by an ordinance passed by the affirmative vote of not less than fourteen members of the Board of Supervisors. If an application is made for any work or improvement of which the expense is to be paid by the City and County, and the Board of Public Works shall not approve of such application, it shall report to the Supervisors its reasons for such disapproval, and the Supervisors may then, after having obtained from the Board of Public Works an estimate of the expense of said work or improvement, by ordinance passed by the affirmative vote of not less than fourteen members of the Board of Supervisors, order the doing of said work, or the making of said improvement.

The Board of Public Works may also, except as herein prohibited, recommend any improvement, the expense of which is to be paid by the City and County, though no application may have been made therefor, and must make, with said recommendation to the Supervisors, an estimate of the expense, and in such case the Supervisors may order the same done.

No street work or street improvements of any kind shall be ordered to be done by the Supervisors unless a written recommendation to do the same has been made to them by the Board of Public Works, except in the case hereinbefore provided, and all such recommendations shall be made matters of record in the office of said Board.

When the Board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles, it shall in each such case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Such map shall be transmitted to the Supervisors with said recommendation.

That Section 4 of Chapter II of Article VI of said Charter be amended so as to read as follows:

Section 4. The owners of a majority of the frontage of the property fronting on said proposed work or improvement, where the same is for one block, or more, and, in the case of a district, those owning more than one half of the superficial area of the district, exclusive of street surface, may make written objections to the same within ten days after the expiration of the time of the publication of said resolution of intention, which objections shall be delivered to the Secretary of the Board of Public Works, who shall indorse thereon the date of their reception by him. Such objections shall delay for six months any further proceedings in relation to the doing of said work or making said improvement, under the said resolution of intention, unless the owners of the one-half or more of the frontage or of the district, as aforesaid, shall meanwhile petition for the same to be done, and thereupon the proceedings shall be continued under the said resolution of intention, if said Board shall deem proper.

If, however, the owners of at least two-thirds of the property fronting on said proposed work or improvement, and, in case of a district, those owning at least two-thirds of the superficial area of the district, exclusive of street surface, shall make written objections to the said proposed work or improvement, after the expiration of the time hereinbefore fixed for making the objections in the first instance to the same (and which objections delayed for six months any further proceedings in relation to the doing of said work or making said improvement under said resolution of intention), and before the expiration of the said six months, no further proceedings shall be taken under the said resolution of intention. But if no such objections have been made, then the Board of Public Works, after the expiration of said six months, shall, if it deem proper, continue the proceedings under the resolution of intention aforesaid, notwithstanding the objections first made, as hereinbefore provided, or any further objections to the doing of said work or making said improvement.

But when the work or improvement proposed to be done is the construction of sewers, manholes, culverts, drains, cesspools, catch-basins or storm-water inlets, or of sidewalks, or of curbs, or any work or improvement on a street crossing, or on a street intersection, and written objections thereto have been delivered to the Secretary of the Board of Public Works within the time hereinbefore provided, by the owners of a majority of the frontage or of the district aforesaid, and in case of work or improvement on a street crossing or a street intersection, by the owners of a majority of the street frontage liable to be assessed therefor, the Board shall, at its next meeting, fix a time for hearing said objections, not less than one week thereafter. The Secretary of the Board shall thereupon notify the persons making such objections by depositing a notice thereof in the Postoffice at the City and County, postage prepaid, and addressed to each objector or his agent when he appears for such objector. At the time specified the Board shall hear the objections urged, and pass upon the same, and its decision shall be final and conclusive; and if said objections are overruled the proceedings shall be continued as though no objections had been made.

And when not more than two blocks on a street, including street crossings, remain ungraded to the official grade, or otherwise unimproved, in whole or in part, and a block or more on each side upon such street has been so graded or otherwise improved, or when not more than two blocks at the end of a street remain so ungraded or otherwise unimproved, proceedings for the doing of any work or improvement upon said intervening ungraded or unimproved part of said street, or at the end of a street, shall not be stayed or prevented by any written or other objections, unless the Board shall deem proper.

And if one-half or more in width or in length, or as to grading, one-half or more of the grading work, of any street lying and being between two successive main street crossings, or if a crossing has been already partially graded or improved, as aforesaid, the Board may proceed as in this Chapter provided, to have the remainder improved, graded, or otherwise, notwithstanding any objections of property owners.

In all cases of work or improvement in this section hereinbefore provided, where the Board of Public Works is vested with power to continue proceedings in relation to any proposed work or improvement, notwithstanding any objections of property owners to the doing of the same, the Board may determine that such work or improvement is expedient, or that the public interest or convenience requires the doing of the same, and it may institute proceedings therefor and the provisions of Section 2 of this Chapter, requiring a written application to the Board in the first instance, to be made therefor, shall not be applicable thereto.

At any time before the making of the assessment as hereinafter provided, all owners of lots or land liable to assessment therein, who, after the first publication of the aforesaid resolution of intention, may feel aggrieved, or who may have objections to any proceedings in relation to the performance of the work described in said resolution, may file with the Secretary a petition of remonstrance, wherein they shall state in what respect they feel aggrieved, or the proceedings to which they object. Such petition of remonstrance shall be passed upon by the Board, and its decision thereon shall be final and conclusive.

That Section 16 of Chapter II of Article VI of said Charter be amended so as to read as follows:

Section 16. When any portion of the roadway of any improved street, avenue, lane, alley, court or place, or any portion of any sidewalk, in the City and County, none of which has been accepted by the Supervisors as in this Chapter provided, shall be so out of repair as to endanger persons or property passing thereon, or so as to interfere with the public convenience in the use thereof, the Board of Public Works shall require the owners or occupants of lots or portions of lots fronting on said portion of said street, avenue, alley, lane, court or place, or fronting on such portion of said sidewalk so out of repair as aforesaid, by a notice in writing, to be delivered to them or their agents, to repair forthwith said portion of said street, avenue, lane, alley, court or place, to the center line thereof, or said portion of said sidewalk, in front of the property of which he is the owner, or tenant, or occupant. The Board shall particularly specify in said notice what work is required to be done and what material shall be used in said repairs. If said repairs be not begun within five days after notice given as aforesaid, and diligently and without interruption prosecuted to completion, the Board may make such repairs, or enter into a contract with any suitable person, at the expense of the owner, tenant, or occupant, after the specifications for the doing of said work shall have been conspicuously posted by it in its office for three days, inviting bids for the doing of said work. Said bids shall be delivered to it at its office on or before the second day after the completion of said posting, and opened by it on the next day following: whereupon the contract shall be awarded to the lowest responsible bidder.

All of said bids shall be preserved in the office of the Board, and shall be open at all times after the letting of the contract to the inspection of all persons; and such owner, tenant, or occupant, shall be liable to pay said contract price. Such work shall be commenced within twenty-four hours after the contract shall have been signed, and completed without delay to the satisfaction of the Board. Upon the completion of such repairs by the contractor as aforesaid to the satisfaction of the Board, it shall make and deliver to the contractor a certificate to the effect that such repairs have been properly made by said contractor to the grade, and that the charges for the same are reasonable and just, and that the Board of Public Works has accepted the same.

That Section 29 of Chapter II, Article VI of said Charter be amended so as to read as follows:

Section 29. The Board shall cause the public streets to be properly cleaned and sprinkled and for that purpose may employ such laborers and other employes as may be necessary, and may, with the consent of the Supervisors, expressed by Ordinance, purchase teams, machinery, materials and other appliances as may be deemed necessary for said work; but the Board must give the preference to hand-sweeping so far as it can do so with reference to the proper sweeping of the streets and the funds at its disposal.

The Board may, if the public interest will be subserved, cause the cleaning and sprinkling of the public streets to be performed, either in whole or in part, by public contract. In such case the Board shall divide the city, or such portions of the city as it shall determine to have cleaned or sprinkled by public contract, into such number of districts as in its judgment will best induce competition for bids, and secure the cleaning or sprinkling of such streets at the lowest cost.

The Secretary of the Board shall, under its direction, cause to be published for a period of ten (10) days a notice inviting proposals for cleaning or sprinkling each of said districts in accordance with the specifications on file at the office of the Board. Bids shall be made for each district separately. All the provisions of this Article in relation to the making and opening of bids, awarding of contracts and entering into and performance of contracts shall be applicable to said contracts.

That Section 1 of Article XII of said Charter be amended so as to read as follows:

Section 1. Whenever the Board of Supervisors by ordinance, as hereinafter provided, shall determine that the public interest or necessity demands the acquisition, construc-

tion or completion of any public utility or utilities by the City and County, or whenever the electors shall petition the Board of Supervisors, as provided in Section 3 of this Article, for the acquisition of any public utility or utilities, the Board of Supervisors must procure from the Board of Public Works, through the City Engineer, plans and estimates of the cost of original construction and completion, by the City and County of such public utility or utilities.

In securing estimates of the cost of original construction and completion of water works, by the City and County, the Board of Supervisors must procure, as hereinabove specified, and place on file plans and estimates of the cost of obtaining, from such sources as the Board of Supervisors may designate as available, a sufficient supply of good, pure water for the City and County.

That Section 2 of Article XII of said Charter be amended so as to read as follows:

Section 2. Before submitting propositions to the electors for the acquisition by original construction or condemnation of public utilities, the Board of Supervisors must solicit and consider offers for the sale to the City and County of existing utilities, in order that the electors may have the benefit of acquiring the same at the lowest possible cost thereof.

That Section 3 of Article XII of said Charter be amended so as to read as follows:

Section 3. Whenever a petition or petitions, each signed by electors of the City and County equal in number to fifteen per centum of all the votes cast in the City and County at the last preceding general election, shall be presented to the Board of Supervisors, setting forth that the signers of such petition or petitions favor the acquisition of the public utility or utilities therein named, it shall be the duty of the Clerk of the Board of Supervisors to immediately proceed to examine and verify the signatures to such petition or petitions, and to certify the result of such examination to the Board of Supervisors. If the required number of signatures be found to be genuine, the Clerk shall transmit to the Mayor an authentic copy of such petition or petitions, without the signatures thereto.

Upon receiving a certificate of the Clerk that the petition or petitions contain the required number of genuine signatures, it shall be the duty of the Board of Supervisors to procure, in the manner specified in Section 1 of this Article, plans and estimates of the cost of original construction and completion of each public utility named in such petition or petitions.

Thereafter, the Board of Supervisors shall formulate for submission to the electors of the City and County at a special election called for the purpose, a separate proposition for the acquisition of each public utility named in such petition or petitions.

The Mayor shall also have the right to formulate and submit to the electors, at such special election, a proposition for the acquisition of each public utility named in such petition or petitions, separate from the proposition therefor formulated by the Board of Supervisors.

All propositions formulated under the provision of this Section shall be completed within six months after the filing of such petition or petitions.

Nothing in this Section shall be so construed as to prohibit the Board of Supervisors from responding to the aforesaid petition or petitions of the electors requesting the acquisition of any public utility or utilities by proceeding at once, without the submission of propositions to the electors as aforesaid, to pass an Ordinance declaring its determination, as provided in Section 5 of this Article, to acquire the same and from proceeding thereafter to secure the acquisition thereof, as hereinafter provided.

That Section 4 of Article XII of said Charter be amended so as to read as follows:

Section 4. At the next regular meeting after the completion of the proposition or propositions for the acquisition of the public utility or utilities named in such petition or petitions, the Board of Supervisors by Ordinance, as hereinafter in Section 6 provided, shall call a special election at which the propositions of the Board of Supervisors and of the Mayor, if he formulate any, shall be submitted to the electors of the City and County.

When the cost of any public utility or utilities named in such petition or petitions can be paid out of the annual revenues of the City and County in addition to the other necessary expenses thereof, each proposition therefor, submitted to the electors, shall specify the cost of the utility therein proposed for acquisition by the City and County, the proposed method and manner of payment thereof, and the Board of Supervisors shall submit therein to the electors the question whether the same shall be acquired upon such terms. A majority of the electors voting at such special election shall be necessary to accept such proposition.

At as early a date after the determination of the result of such special election as the Board of Supervisors shall deem for the best interests of the City and County, it shall undertake proceedings and enter into such negotiations and contracts as may be necessary for the acquisition of any public utility or utilities named in any proposition or propositions accepted by a majority of the electors voting at such special election.

If, however, the cost of any public utility or utilities, named in any petition or petitions of the electors, shall so far exceed the annual revenues of the City and County in addition to the other necessary expenses thereof, as to render it necessary to incur a municipal bonded indebtedness therefor, each proposition for the acquisition of such public utility or utilities shall specify the amount of the bonded indebtedness necessary therefor and the rate of interest thereon, and the Board of Supervisors shall submit to the electors, at such special election, the question whether such bonded

indebtedness shall be incurred. At least two-thirds of the electors voting at such special election shall be necessary to secure the acquisition of such public utility or utilities and to warrant the issuance of municipal bonds therefor.

That Section 5 of Article XII of said Charter be annulled and repealed.

That Section 6 of Article XII of said Charter be amended so as to be known as Section 5 of Article XII of said Charter, and to read as follows:

Section 5. Whenever the Board of Supervisors shall determine that the public interest or necessity demands the acquisition, construction or completion of any public utility or utilities, it shall specifically declare such determination by an Ordinance, which shall also direct the Board of Public Works to procure and file plans and estimates of the cost of original construction and completion of such public utility or utilities. Such Ordinance shall be published for at least two weeks in the official newspaper.

When the cost of such public utilities, or any of them, can be paid out of the annual revenues of the City and County in addition to the other necessary expenses thereof, the Board of Supervisors shall, as soon after the filing of the plans and estimates of cost thereof as it may deem for the best interests of the City and County, enter into such negotiations and contracts as may be necessary for the acquisition of the same.

If, however, the cost of such public utilities, or any of them, shall so far exceed the annual revenues of the City and County in addition to the other necessary expenses thereof, as to render it necessary to incur a municipal bonded indebtedness therefor, the Board of Supervisors shall, at any regular meeting held within eight weeks after the filing of the plans and estimates of cost thereof, by ordinance, as hereinafter in Section 6 of this Article provided, call a special election, at which shall be submitted to the electors a proposition or propositions for the acquisition of such public utility or utilities. Such propositions shall specify the amount of the bonded indebtedness necessary for the acquisition of the utility or utilities therein named and the rate of interest thereon, and the Board of Supervisors shall submit to the electors the question or questions whether such bonded indebtedness shall be incurred. At least two-thirds of the electors voting at such special election shall be necessary to warrant the issuance of municipal bonds for the acquisition of such public utilities, or any of them.

That Section 7 of Article XII of said Charter be amended so as to be known as Section 6 of Article XII of said Charter and to read as follows:

Section 6. Whenever, under the provisions of this Article, it shall be necessary to call a special election for the purpose of submitting to the electors a proposition or propositions for the acquisition of public utilities, the Board of Supervisors shall pass an Ordinance calling such special election for such purpose.

At such special election all propositions for the acquisition of public utilities, formulated under the provisions of this Article may be submitted to the electors of the City and County. No question except the acquisition of public utilities and the incurring of municipal indebtedness therefor shall be submitted at such special election.

That Section 8 of Article XII of said Charter be amended so as to be known as Section 7 of Article XII of said Charter and to read as follows:

Section 7. The Ordinance calling such special election shall set forth the purposes for which the election is called, the estimated cost of each utility proposed for acquisition by the City and County, the proposed method and manner of payment thereof, and shall fix a day on which such special election shall be held the manner of holding such election and the manner of voting for or against each proposition thereat submitted to the electors; and, if it shall be necessary to incur a municipal indebtedness for any utility or utilities therein proposed for acquisition by the City and County, the Ordinance shall specify the objects and purposes for which such indebtedness is proposed to be incurred, and that bonds of the City and County shall issue for the payment of the cost of such utility or utilities, as in such Ordinance set forth (if the proposition or propositions therefor be accepted by the electors) such election shall be held as provided by law for holding elections in the City and County.

That Section 9 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 8 of Article XII of said Charter, viz:

Section 8. Such Ordinance shall be published daily for at least ten days in the official newspaper. At the expiration of said ten days the Supervisors shall cause to be published daily for not less than two weeks in the official newspaper a notice of such special election. Such notice shall specify the purpose for which the indebtedness is to be incurred, the number and character of the bonds to be issued, the rate of interest to be paid, and the amount of tax levy to be made for the payment thereof.

That Section 10 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 9 of Article XII of said Charter, viz:

Section 9. No indebtedness shall be incurred for the acquisition of any public utility under the provisions of this Article, which, together with the existing bonded indebtedness of the City and County, shall exceed at any one time fifteen per centum of the assessed value of all real and personal property in the City and County.

That Section 11 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 10 of Article XII of said Charter, viz:

Section 10. The bonds issued under the provisions of this Article shall be of the character of bonds known as serials, and shall be payable in lawful money of the United States. The Supervisors shall decide at the time of the issue of the bonds in what lawful money of the United States said bonds shall be payable. Not less than one-fortieth part of the whole amount of indebtedness shall be paid each and every year,

on a day and at a place to be fixed by the Supervisors, together with the interest on all sums unpaid at such date.

The bonds so issued shall be exempt from all taxation for municipal purposes, and shall be issued in denominations of not less than ten dollars nor greater than one thousand dollars, and preference in the sale and allotment thereof shall be given to subscribers for the smallest amounts and lowest denominations.

Said bonds must be payable on the day and at the place fixed therein, and with interest at the rate specified therein, but such interest shall not exceed four per centum per annum, payable annually, semi-annually, or quarterly, as the Supervisors may determine. Such bonds, when issued, may be sold by the Supervisors from time to time, as required, and in such quantities as they may determine, but the same must be sold for cash in lawful money of the United States as aforesaid to the highest bidder at not less than par, after having been advertised in the official newspaper. They shall be sold under sealed proposals, and the Supervisors shall have the right to reject any or all bids made for the purchase thereof. The proceeds of such sales shall be placed in the treasury to the credit of the proper fund, and shall be applied exclusively to the purposes and objects mentioned in the Ordinance authorizing their issue until such objects are fully accomplished, after which, if any surplus remains, such surplus shall be transferred to the General Fund.

That Section 12 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 11 of Article XII of said Charter, viz:

Section 11. Such bonds shall be signed by the Mayor and the Treasurer, and shall be countersigned by the Auditor. The coupons shall be numbered consecutively and signed by the Treasurer, and the bonds and coupons shall be payable at the office of the Treasurer.

That Section 13 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 12 of Article XII of said Charter, viz:

Section 12. At the time of levying the municipal tax, and in the manner provided for such tax levy, the Supervisors shall levy and collect annually a tax sufficient to pay the annual interest on such bonds, and also the proper aliquot part of the aggregate amount of such indebtedness so incurred. Such taxes shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.

That Section 14 of Article XII of said Charter be amended by renumbering the same so as to be known as Section 13 of Article XII of said Charter, viz:

Section 13. A neglect or refusal on the part of the Supervisors to comply with the provisions of this Article shall constitute cause for the removal from office of any member or members of the Board guilty of such neglect or refusal.

That Section 29 of Article XVI of said Charter be amended so as to read as follows:

Section 29. When the Supervisors shall determine that the public interest requires the construction or acquisition of any permanent building or buildings, improvement or improvements, land or lands, the cost of which in addition to the other expenses of the City and County will exceed the income and revenue provided for the City and County for any one year, they must by Ordinance submit a proposition or propositions to incur a bonded indebtedness for such purpose or purposes to the electors of the City and County at a special election to be held for that purpose only. All provisions of this Charter providing for the acquisition of public utilities, so far as the same are applicable, shall apply to the manner of submitting such proposition or propositions to the electors, to the limitations of said bonded indebtedness, to the issuance and character of the same, and to the time when and the kind of money in which said bonded indebtedness shall be payable. The proceeds of the sales of such bonds shall be paid into the treasury to the credit of the Public Building Fund.

STATE OF CALIFORNIA, }
CITY AND COUNTY OF SAN FRANCISCO. } ss.

This is to certify that we, E. E. Schmitz, Mayor of the City and County of San Francisco, and Chas. W. Fay, Clerk of the Board of Supervisors of said City and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original ordinances proposing such amendments and submitting the same to the electors of said City and County at a Special Election called for that purpose on Thursday, the fourth day of December, Nineteen hundred and two, and find that the foregoing is a full, true, correct, and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are and each of them is true.

In Witness Whereof, we have hereunto set our hands and cause the same to be authenticated by the Seal of said City and County of San Francisco, this 14th day of January, Nineteen hundred three.

E. E. SCHMITZ,
Mayor of the City and County of San Francisco.
CHAS. W. FAY,
Clerk of the Board of Supervisors of the City and
County of San Francisco.

[SEAL.]

Now, therefore be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring (a majority of all of the members elected to each house voting for and concurring herein),

That said amendments to the Charter of the City and County of San Francisco as proposed to and adopted and ratified by the electors of said City and County be and the same are, and each of them is, hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the Charter of the City and County of San Francisco.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 5 adopted by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Sanford, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Wolfe, and Woodward—28.

NOES—None.

PETITION.

The following petition was presented by Senator Lardner, and was ordered printed in the Journal:

PETITION FOR A SUNDAY LAW.

To the Honorable the Senate and Assembly of the State of California:

We, the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest by prohibiting, with adequate penalties, all unnecessary labor and business, Seventh Day worshippers excepted, and all barbarous, unseemly, or noisy amusements.

The above was indorsed by vote by a meeting of Christian Valley Sunday School in the town of Clipper Gap, State of California, on January 11, 1903, and the undersigned was authorized to so attest.

W. E. BANCROFT, Superintendent, presiding.

The above was indorsed by vote by a meeting of Christian Valley Christian Endeavor Society on January 18, 1903, and the undersigned was authorized to so attest.

ALICE E. PERKINS, President.

The above was indorsed by vote by a meeting of The Frances E. Willard W. C. T. U. of Clipper Gap, January 15, 1903, and the undersigned was authorized to so attest.

MRS. W. E. BANCROFT, President.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 33—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute do pass.

CALDWELL, Chairman.

Senate Bill No. 33 ordered on file.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, January 23, 1903.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 94—An Act to limit the meaning of the word "conspiracy" and also the use of "restraining orders" and "injunctions" as applied to disputes between employers and employés in the State of California.

Also: Senate Bill No. 72—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FRENCH, Chairman.

Senate Bills Nos. 94 and 72 ordered on file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 75—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provision of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Also: Senate Bill No. 84—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs, or other animals, to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WOODWARD, Chairman.

Senate Bills Nos. 75 and 84 ordered on file.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 148—An Act to amend an Act, approved February 28, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 150—An Act to amend Sections 628, 629, 632, 635, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

COGGINS, Chairman.

Senate Bills Nos. 148 and 150 ordered on file.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 87—An Act to amend the Political Code, by amending Section 2696 thereof, and by adding a new section thereto, to be numbered Section 2643a, relating to roads and highways—have had the same under consideration, and respectfully report the same back, and recommend that the substitute presented herewith do pass.

LARDNER, Chairman.

Senate Bill No. 87 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 26—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Finance.

Also: Senate Bill No. 168—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Senate Bill No. 21—An Act creating a fund for the benefit and support of high schools and providing for its distribution—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass, as amended by committee.

ROWELL, Chairman.

Senate Bill No. 26 referred to Committee on Finance.

Senate Bills Nos. 21 and 168 ordered on file.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code, approved March 21, 1872," relating to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit.

Also: Senate Bill No. 17—An Act amending the Civil Code of the State of California, by adding thereto a new section, numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation, owning any railroad in this State, of its property and franchises, or any part thereof, to any railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and describing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 159—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

ONEAL, Chairman.

Senate Bills Nos. 85, 17, and 159 ordered on file.

ON COMMISSIONS, RETRENCHMENT, AND REFORM.

SENATE CHAMBER, SACRAMENTO, January 23, 1903.

MR. PRESIDENT: Your Committee on Commissions, Retrenchment, and Reform, to whom was referred Senate Bill No. 16—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Also: Senate Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

L'KENS, Chairman pro tem.

Senate Bills Nos. 16 and 131 ordered on file.

RESOLUTIONS.

The following resolutions were offered:

By Senator Oneal:

Resolved, That the Secretary of Senate be and he is hereby authorized and instructed to substitute the name of E. G. Perkins on the payroll as Committee Clerk for the name of C. Leddy, and the Controller is hereby directed to draw his warrant in favor of the said E. G. Perkins, for any moneys now due the said C. Leddy.

Resolution read and adopted.

By Senator Pendleton:

Resolved, That Donn J. Shields be appointed Messenger to the Secretary of the Senate, as a substitute for the position which he now holds as Page; that he receive the sum of three dollars (\$3) per day for his services, to commence January 18, 1903.

Resolution read and adopted.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 14—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been or which may hereafter be authorized by the said United States to be

paid to said State, as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents, defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Read third time.

On motion of Senator Caldwell, the bill was referred to Committee on Finance, and to retain its place on file.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Devlin, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following: Senate Bill No. 248—An Act making an appropriation for the contingent expenses of the Senate for the thirty-fifth session of the Legislature.

CLIO LLOYD, Chief Clerk.
By J. F. GREELEY, Assistant.

Senate Bill No. 248 ordered to enrollment.

CONSIDERATION OF DAILY FILE—(RESUMED)—SECOND READING OF BILLS.

Senate Bill No. 64—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of Boards of Supervisors.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting on line six of printed bill, after the word "tunnel," the words "connecting or forming a part of a road."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting on line eleven, after the word "tunnels," the words "connecting or forming a part of a road."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 15—An Act to create and establish two new reclamation districts of this State, to be known, respectively, as Union Island Reclamation District No. 1 and Union Island Reclamation District No. 2, embracing within their respective territorial limits a portion of Union

Island, in San Joaquin County, to define the boundaries of such districts, and provide for the organization and government thereof, and to dissolve all other reclamation districts in conflict therewith.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 55—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Bill partially read second time, and passed on file.

At eleven o'clock and thirty-five minutes A. M., Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

SENATE CONSTITUTIONAL AMENDMENT NO. 4.

A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California, at its regular session, commencing on the fifth day of January, 1903, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that Article IX of the Constitution of the State of California be amended by adding thereto a new section, to be known as Section 12, and reading as follows:

Section 12. All property now or hereafter belonging to the "California Academy of Sciences," an institution for the advancement of science and maintenance of a free museum, and chiefly endowed by the late James Lick, and incorporated under the laws of the State of California, January 16, 1871, having its buildings located in the City and County of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given.

Senate Constitutional Amendment No. 4 read.

The question being on the adoption of the constitutional amendment.

CALL OF THE SENATE.

Pending the roll call, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, eleven o'clock and thirty-five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Selvaige, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—27.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and thirty-seven minutes A. M., Senator French was brought to the bar of the Senate, and, on motion of Senator Wolfe, excused for absence from the Senate chamber.

At eleven o'clock and thirty-eight minutes A. M., Senator Oneal was brought to the bar of the Senate, and, on motion of Senator Ralston, excused for absence from the Senate chamber.

At eleven o'clock and forty minutes A. M., Senator Sanford was brought to the bar of the Senate, and, on motion of Senator Caldwell, excused for absence from the Senate chamber.

At eleven o'clock and forty-four minutes A. M., Senator Tyrrell of Nevada was brought to the bar of the Senate, and, on motion of Senator Shortridge, excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and fifty-five minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

Whereupon the President directed the Secretary to call the roll on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 4 adopted by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—31.

NOES—None.

Senate Constitutional Amendment No. 4 ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced, and referred to committees as indicated:

By Committee on Code Revision: Senate Bill No. 276—An Act to amend Sections 681, 682, 687, 688, and 689 of the Code of Civil Procedure, all relating to executions in civil cases.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 277—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 278—An Act to amend Sections 656, 658, 659, 660, 661, and 663½ of the Code of Civil Procedure, all relating to new trials.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 279—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 280—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 281—An Act to add a new section to the Code of Civil Procedure, to be numbered 635, relating to trials of questions of fact by the court.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 282—An Act to amend Sections 581 and 585 of the Code of Civil Procedure, and to add two sections thereto, to be numbered 582 and 583, all relating to judgments.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 283—An Act to amend Section 631 of the Code of Civil Procedure, relating to the waiver of trial by jury.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 284—An Act to amend Sections 602, 608, 612, and 615 of the Code of Civil Procedure, all relating to jury trials.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 285—An Act to amend Section 731 of the Code of Civil Procedure, relating to nuisances.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 286—An Act to amend Sections 728 and 729 of the Code of Civil Procedure, both relating to sales in actions to foreclose mortgages.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 287—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to executions.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 288—An Act to amend Section 700 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 700a, both relating to execution sales.

Bill read first time, and ordered on file without reference to committee.

By Senator Oneal: Senate Bill No. 289—An Act regulating the rates to be charged by any person, firm, company, or corporation for passage in or upon any sleeping car operated over or upon any railroad within this State.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 290—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel.

Bill read first time, and referred to Committee on Judiciary.

By Senator Wolfe: Senate Bill No. 291—An Act appropriating the sum of \$200,000, for the purchase of a site and for the erection, equipment, and furnishing of a building or buildings for the use of the San Francisco State Normal School.

Bill read first time, and referred to Committee on Finance.

By Senator Pendleton: Senate Bill No. 292—An Act in relation to municipal bonds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Diggs: Senate Bill No. 293—An Act to amend Section 58 of the Political Code, relating to the qualifications and eligibility of officers.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 294—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by adding a new section thereto to be numbered 54½, relating to the eligibility and qualifications of court reporters or official reporters of this State.

Bill read first time, and referred to Committee on County Government.

By Senator Ward: Senate Bill No. 295—An Act making an appropriation to pay a judgment for the sum of \$1,320 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Bank of Commerce, a corporation, plaintiff, vs. The People of the State of California, defendant, numbered 11,828,

which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19, of Department Two of said Superior Court, at page 391.

Bill read first time, and referred to Committee on Finance.

By Senator French: Senate Bill No. 296—An Act to provide for the better protection of child life as against the issuance to parents or guardians any insurance or certificate of insurance on the life or death of a child under the age of thirteen years, in the State of California.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 297—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense and providing a mode of condemnation thereof.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 298—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402½, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Ralston: Senate Bill No. 299—An Act making an appropriation to pay the judgment of \$1125 rendered in and by the Superior Court of the State of California, in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, vs. The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book "3" of Judgments of the Superior Court of Calaveras County, page 333.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 300—An Act appropriating money for the purchase of bedding, furniture, and carpets for the use of the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 301—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Devlin: Senate Bill No. 302—An Act to appropriate the sum of \$1,200 to pay for repairs to Capitol building and furniture to be used during the remainder of the fifty-fourth fiscal year.

Bill read first time, and referred to Committee on Finance.

By Senator Luchsinger: Senate Bill No. 303—An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing penalties therefor.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Williams (by request): Senate Bill No. 305—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Bauer: Senate Bill No. 306—An Act to amend Section

890 of the Code of Civil Procedure, relating to dismissals of actions in justices' courts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Knowland: Senate Bill No. 307—An Act authorizing the mustering and attaching to the National Guard of California of a company of engineers, and providing for their equipment and maintenance.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Plunkett: Senate Bill No. 308—An Act making it a misdemeanor for any corporation or company, or person, firm, or co-partnership, to insure against the death, either by accident or otherwise, of any child under the age of sixteen years, and providing the penalty therefor.

Bill read first time, and referred to Committee on Corporations.

By Senator Ralston: Senate Bill No. 309—An Act making an appropriation to pay the judgment of \$370.06 obtained in the Superior Court of the State of California, in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book "3," page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. State of California, defendant.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 310—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Bill read first time, and referred to Committee on Finance.

By Senator Selva: Senate Bill No. 311—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Curtin: Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ralston: Senate Bill No. 313—An Act making an appropriation to pay the judgment of \$550 obtained in the Superior Court of the State of California, in and for the County of Amador, on the 15th day of December, 1902, in an action in said Court numbered 1828, entered of record on December 15, 1902, in Judgment Book "3," page 507, of said Superior Court, now held by William Goings, plaintiff, vs. The State of California, defendant.

Bill read first time, and referred to Committee on Finance.

BILL ORDERED RECALLED FROM COMMITTEE.

On motion of Senator Selva. Senate Bill No. 146—An Act to provide for the protection of the banks of the Eel River against winter floods, an making an appropriation therefor—was ordered recalled from Committee on Commerce and Navigation.

LEAVE OF ABSENCE.

Senator Caldwell was, on his own motion, granted leave of absence until Thursday, January 29, 1903.

SPECIAL COMMITTEE APPOINTED.

The President, in accordance with a resolution adopted yesterday, calling for a special committee for the hearing of the contested election case, Kenney vs. French, announced that he had appointed Senators Tyrrell of San Francisco, Lardner, Leavitt, Bunkers, and Diggs, as such committee.

TELEGRAPHIC COMMUNICATION.

The President announced that he had received the following telegram, which was ordered printed in the Journal:

PHOENIX, ARIZONA, January 21, 1903.

ALDEN ANDERSON, *President of Senate, Sacramento, California*:

Be it resolved, By the Council and Assembly of the Twenty-second Territorial Legislative Assembly of the Territory of Arizona, that we do hereby appeal to the Legislature of the State of California, now in session, to assist us in petitioning the United States Senate to pass the Omnibus Statehood bill; that the Chief Clerk of the Council be directed to telegraph a copy of this resolution to both branches of the California Legislature.

J. C. EVANS, Chief Clerk.

ADJOURNMENT.

At twelve o'clock and five minutes P. M., on motion of Senator Nelson, the Senate adjourned until ten o'clock A. M. of Monday, January 26, 1903.

IN SENATE.

SENATE CHAMBER,
Monday, January 26, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called.

CALL OF THE SENATE.

Pending the announcement, Senator Leavitt moved a call of the Senate. Motion carried.

Time, ten o'clock and ten minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Shortridge, Ward, Williams, and Woodward—21.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and thirty minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

Whereupon the President announced a quorum present, as follows:

Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, Enmons, Flint, French, Greenwell, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Savage, Shortridge, Ward, Williams, and Woodward—21.

LEAVE OF ABSENCE.

Senator Wolfe was, on motion of Senator Leavitt, granted a leave of absence for the day.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 23, 1903, its further reading was dispensed with, on motion of Senator Ralston.

APPROVAL OF JOURNAL.

The Journal of Wednesday, January 21, 1903, having been previously read and corrected, was approved.

INVITATION.

The following invitation was presented by Senator Flint, and ordered printed in the Journal:

SAN LUIS OBISPO, CALIFORNIA, January 21, 1903.

To the Honorable Members of the Senate, Thirty-fifth Session California Legislature:

The Board of Trustees of the California Polytechnic School extend a cordial invitation, urging your attendance at the laying of the corner-stone of the State Polytechnic School on Saturday, January 31, at 2 P. M. The ceremonies will be in charge of the Grand Lodge of Masons, and a reception and banquet will be given in honor of the members of the Legislature. We hope for a large delegation from your honorable body.

Very respectfully,

S. C. SMITH,
President Board of Trustees California Polytechnic School.
BENJ. BROOKS,
President Board of Trade.

BILL RECALLED FROM COMMITTEE.

Senate Bill No. 148—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 131, relating to the powers and duties of the courts of the State in the appointment of probation officers, and defining the duties and powers of such officers—previously referred to Committee on Judiciary, was, on motion of Senator Belshaw, recalled from that committee, and referred to Committee on Prisons and Reformatories.

COMMUNICATIONS.

The following communications were presented by Senator Diggs, and ordered printed in the Journal:

Resolved, That the Sacramento Valley Development Association, in convention assembled, favor an appropriation by the Legislature of \$150,000 for the proper representation of California at the Louisiana Purchase Exposition, at St. Louis, 1904.

Resolved, That we favor a bill providing for the appointment of three non-partisan commissioners, representing the different interests of the State, coming from different sections of the State. That such commissioners shall receive no salaries, but shall be paid their actual traveling expenses when engaged upon the work of the commission, not to exceed in the aggregate \$1,500 for each commissioner. That said commission shall have full power and authority to collect, mount, and provide for an exhibition of every product of California; and that they shall have full power to employ such assistance as may be necessary for the collection and exhibition of a California exhibit; and be it

Further resolved, That said commission shall report their proceedings, giving an itemized account of their expenditures, to the Governor annually, and from time to time, whenever required by the Governor.

Adopted at a meeting of the Sacramento Valley Development Association, held at Sacramento, January 20, 1903.

F. E. WRIGHT, Secretary.

Also:

To the Honorable Senate and Assembly of the State of California:

Your memorialist, the Federation of Women's Improvement Clubs of the Sacramento Valley, most respectfully represents to your honorable bodies that it is painfully apparent that the majority of the young women along the ordinary walks of life must enter upon its requirements without an opportunity to become proficient in the things that will be required of them. There are some avocations, such as typewriting, stenography, nursing, etc., open to the sex, but these require more education and more opportunities than all can attain or have; and besides, the field is exceedingly limited. There are things more in line with women's work, such as domestic economy, housekeeping, cooking, dressmaking, tailoring, millinery, floriculture, etc., that the State might provide means for girls to learn, and which afford an unlimited field. Your memorialist maintains that every young woman, rich or poor, should know how to do something useful, something that will help her solve, if need be, the question of bread and butter, and which fits her for the greatest of all the duties of women, the rearing of a family, and your memorialist further holds that it is the duty of the State to provide some place at which the acquirements of these things may be in the reach of all.

Your memorialist therefore prays that your honorable bodies take up the matter, examine into the necessities of the case, see what other States have done in this line, and finally establish a school at which girls may not only acquire a knowledge of the text-books, but may learn one or more of the industrial arts, and that it may be so arranged that any girl may work her way through the school if she so desires.

And your memorialist, as in duty bound, will ever pray.

The above memorial was presented to the Sacramento Valley Development Association at its meeting held at Sacramento, January 20, 1903, and the same was indorsed.

F. E. WRIGHT, Secretary.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 26, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 15—An Act to create and establish two new reclamation districts of this State, to be known, respectively, as Union Island Reclamation District No. 1 and Union Island Reclamation District No. 2, embracing within their respective territorial limits a portion of Union Island, in San Joaquin County, to define the boundaries of such districts, and provide for the organization and government thereof, and to dissolve all other reclamation districts in conflict therewith.

Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board.

Also: Have examined the following Senate bills, etc.:

Senate Concurrent Resolution No. 1—Relative to inaugural ceremonies.

Senate Concurrent Resolution No. 2—Relative to death of Hon. J. H. Seawell, ex-member of either house.

Senate Concurrent Resolution No. 3—Relative to death of Hon. Lawrence J. Dwyer.

Senate Joint Resolution No. 1—Relative to House of Representatives Resolution 14,898.

Senate Bill No. 1—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the thirty-fifth session of the Legislature, and directing the State Controller and State Treasurer to make such transfer.

And report that the same have been correctly enrolled, and presented the same to the Governor on the twenty-third day of January, 1903, at three o'clock and fifteen minutes P. M.

HUBBELL, Chairman.

Senate Bills Nos. 15 and 118 ordered on file for third reading.

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 26, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the Controller is hereby directed to draw his warrant on the Contingent Fund of the Senate for \$69.83 in favor of C. S. MacMullan; the same being a balance due on claim ordered paid by the Senate during its thirty-fourth session, and unpaid because of depletion of fund. The Treasurer is directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the above report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Shortridge, Ward, Williams, and Woodward—21.

NOES—None.

ON CONTINGENT EXPENSES AND MILEAGE—(RESUMED).

SENATE CHAMBER, SACRAMENTO, January 26, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the San Francisco Delegation be allowed a Clerk at \$4 per diem.

Also:

Resolved, That Miss Kate Neelson be appointed Stenographer and Clerk for the Union Labor minority of the Senate, at a per diem of \$5.00. The Controller is directed to draw his warrant in accordance with this resolution, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions refused adoption by the following vote:

AYES—Senators Belshaw, Bunkers, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Luchsinger, Lukens, Oneal, Ralston, Shortridge, Ward, Williams, and Woodward—20.

NOES—Senator Leavitt—1.

At ten o'clock and forty-five minutes A. M., Senator Flint, President pro tem. of the Senate, in the chair.

NOTICE OF MOTION TO RECONSIDER.

Senator Leavitt gave notice that on next legislative day he would move a reconsideration of the vote whereby the above report and resolutions were refused adoption.

BILL RECALLED FROM COMMITTEE.

Senate Bill No. 151—An Act to amend Sections 10 and 11 of an Act to provide for the organization and management of county fire insurance companies—previously referred to Committee on County Government, was, on motion of Senator Hahn, recalled from that committee, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 30—An Act to amend Section 1132 of the Political Code of the State of California, relating to the place for holding an election—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Senate Bill No. 30 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Lukens: Senate Bill No. 314—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employes.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 315—An Act making an appropriation of seven hundred (\$700.00) dollars to provide for postage, expressage, telegraphing, traveling and contingent expenses of the Governor's office for the fiscal year ending June 30, A. D. 1903.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 316—An Act making an appropriation to pay for printing, binding and ruling, and all other work performed and materials furnished by the State Printing Office to the various State offices, boards, commissions, prisons, schools, hospitals, and other State institutions for the remainder of the fifty-fourth fiscal year.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 317—An Act to amend Section 1993 of the Political Code of the State of California, relating to bands of music for the National Guard of California and to the organization and uniforming of such bands.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 318—An Act making an appropriation for the erection of a workshop at the Industrial Home of Mechanical Trades for the Adult Blind.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 319—An Act to amend section fifty-six (56) of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

Bill read first time, and referred to Committee on County Government.

By Senator Diggs: Senate Bill No. 320—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment and to define the powers and duties of said officer and his deputies and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 321—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Woodward: Senate Bill No. 322—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 323—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 324—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 325—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 326—An Act to provide for the building of fencing and for the purchase of farming implements, tools and equipment at and for the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 327—An Act to provide for the erection and equipment of an oil storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Nelson: Senate Bill No. 328—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 329—An Act to amend Section 3423 of the Civil Code of the State of California, relating to injunctions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 330—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California.

Bill read first time, and referred to Committee on Education.

By Senator Flint: Senate Bill No. 331—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 332—An Act making an appropriation for the California Polytechnic School.

Bill read first time, and referred to Committee on Education.

By Senator Hubbell: Senate Bill No. 333—An Act to amend Sections 1197 and 1205 of the Political Code as amended March 20, 1899, relating to election ballots and manner of voting.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Emmons: Senate Joint Resolution No. 5—Relative to Venezuela affairs.

Read, and referred to Committee on Federal Relations.

By Senator Devlin: Senate Joint Resolution No. 6—Instructing our Senators in Congress to vote against the ratification of the proposed treaty with Cuba reducing the duty upon sugar and upon other products of the State of California.

Referred to Committee on Federal Relations.

By Senator Lukens: Senate Concurrent Resolution No. 8—Relative to the consent of the Legislature to the absence of His Excellency George C. Pardee, Governor of the State of California, from the State for more than sixty days.

Read, and ordered to print, and to Judiciary Committee.

By Senator Shortridge: Senate Concurrent Resolution No. 9—Relative to the recent death of Hon. F. C. Franck, of Santa Clara County.

Resolved by the Senate of the State of California, the Assembly concurring. That a joint committee, consisting of three Assemblymen and three Senators, be appointed by the Speaker of the Assembly and the President of the Senate to draft resolutions of respect to the memory of the late ex-Assemblyman and ex-State Senator, Hon. F. C. Franck, a representative of Santa Clara County.

Ordered on third-reading file, without reference to committee.

By Senator Flint: Senate Concurrent Resolution No. 10—Relative to charter of Salinas City.

Read, and referred to Committee on Municipal Corporations.

By Senator Belshaw: Senate Constitutional Amendment No. 14—A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 8½ of Article XI, relating to cities, counties, and towns.

Referred to Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 15—A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 16 of Article XX of the Constitution, relating to the term of any officer or commissioner.

Referred to Committee on Constitutional Amendments.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

SECOND READING OF BILLS.

Senate Bill No. 62- An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among steam engineers in the State of California.

During second reading of bill the following committee substitute for Senate Bill No. 62 was read and adopted:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 62.

An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among steam engineers in the State of California.

The people of the State of California, represented in the Senate and Assembly, do enact as follows:

SECTION 1. On or after July 1st, 1903, it shall be unlawful for any person to engage in the practice of steam engineering to commence such practice unless he shall have obtained a certificate as hereinafter provided, except that engineers upon locomotives, motor road vehicles, boilers in private residences, boilers in apartment houses of not less than five flats, boilers under the jurisdiction of the United States, boilers of not more than four horsepower, thrashing engines, and boilers used for heating purposes exclusively which are provided with a device approved by the board hereinafter created limiting the pressure thereof, shall be exempted from the provision of this act.

SEC. 2. A board of examiners, to consist of three persons, is hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this Act. Said board shall be appointed by the Governor immediately on the passage of this bill, and the members of the said board shall be appointed by the Governor from competent steam engineers of the State of California, of ten years' experience, and the members of the said board shall be appointed, respectively as such, for four, three and two years, as specified by the Governor in his appointment and thereafter each member of said board shall be appointed and hold office for the term of four years or until his successor is appointed and qualified, and every member of said board, also the clerk, shall take and file, in the office of the Secretary of State, the constitutional oath of office before entering upon the discharge of his duty as member of said board. The Governor shall appoint a clerk of said board whose term of office shall be at the pleasure of the Governor, at a salary of \$100 per month.

SEC. 3. Said board shall organize and choose one of its members as president, and one as secretary, and one as treasurer. The treasurer shall file with the Secretary of State, a bond of sufficient sureties to the people of the State of California in the penal sum of two thousand dollars, to be approved by the Secretary of State, conditioned that he will well and truly pay over all moneys received by him in compliance with the provisions of this act, and otherwise faithfully discharge the duty as such treasurer. Vacancies upon said board, caused by death, resignation or otherwise, shall be filled by appointment by the Governor with persons of the same qualifications as the retiring member. Said board shall have its office in the ferry building at San Francisco; shall have a common seal, and the members thereof and each of them shall have the power to administer oaths and take testimony in all matters in relation to their duty. A majority of said board shall constitute a quorum, and said board shall adopt such rules, from time to time, as may be necessary to the orderly conduct of all proceedings taken and had before it.

SEC. 4. Each member of said board shall receive the salary of twelve hundred dollars per annum, and actual traveling expenses in attending to the duties of said board; the salary of the said board and the clerk shall be paid out of the general fund of the State treasury.

SEC. 5. Said board shall make a report to the Controller monthly, or at such other times as he may require, of all receipts from whatever source, and shall pay the same into the State treasury upon the order of the Controller.

SEC. 6. Each member of said board shall have power to grant license to any engineer who may apply to him for a license, not higher than second grade. Engineers applying for a first class license shall be examined by the full board of examiners. The clerk shall notify the applicant of the time and place of such examination.

SEC. 7. The board of examiners shall hold examinations under the provisions of this act four times a year in the following places: Eureka, Redding, Sacramento, San Francisco, Fresno, Los Angeles, and San Diego, at which places applicants will be examined under the terms of this Act.

SEC. 8. Every person now engaged in the practice of steam engineering in this State shall, within ninety days after this Act shall take effect, file with the secretary of this board an affidavit setting forth his name, residence, length of time during which he has had charge of, stating horsepower of engine and boiler or boilers, and the place where he has practiced such occupation, and if it appears to the satisfaction of said board that such person has had sufficient experience and is possessed of sufficient skill to be safely entrusted with the management and operation of a steam engine and a boiler they shall

issue to him a certificate of registration entitling him to practice steam engineering without examination upon the payment of the fee of five dollars.

SEC. 9. Each person, on filing his application for examination, shall pay to the treasurer of said board the sum of five dollars, which sum shall be returned in case said applicant shall fail to pass the examination. Said board shall proceed to examine such persons and being satisfied that he is a citizen of the United States, and that he is above the age of twenty-one years, of good moral character, has studied the trade or profession of steam engineering, for at least three years, and is possessed of the requisite skill in said profession, or trade, to perform the duties thereof, his name shall be entered by the board in the register hereinafter provided for, and a certificate of registration shall be issued to him authorizing him to practice said profession, or trade, in this State. Said certificate shall specify the grade or class of engineers to which said applicant shall belong, either as first, second or third grade. A first grade certificate shall authorize the holder of the same to operate an engine or boiler up to unlimited horsepower capacity. A second grade certificate shall authorize the holder thereof to operate an engine or boiler up to two hundred and fifty horsepower capacity. And a third grade certificate shall authorize the holder thereof to operate an engine or boiler up to one hundred horsepower capacity. Said certificates as to the grade thereof shall be issued by the board of examiners.

SEC. 10. The horsepower of a boiler shall be ascertained upon the basis of three horsepower for each square foot of grate surface for a power boiler, and on the basis of one and one half horsepower for each foot of grate surface, if the boiler is used for heating purposes exclusively. The engine power shall be reckoned upon a basis of mean effective pressure of forty pounds per square inch of piston for a simple engine, fifty pounds for a condensing engine, and seventy pounds for a compound engine, reckoned upon rear high pressure piston.

SEC. 11. Any engineer holding a second or third class certificate can at any time make an application for a higher grade of license by passing the examination for the same, and a certificate shall be issued to him upon the payment of \$5.00. Said board shall furnish to each person to whom a certificate of registration is issued a card of insignia, bearing the seal of the board, and the signature of the president and secretary, certifying that the holder thereof is entitled to practice the occupation of steam engineer in this State; and it shall be the duty of the holder of such card or insignia to post the same conspicuously in the boiler or engine room where he is employed. Said card or insignia shall be in effect one year from date of the issuance of the same, and it shall be renewed at the expiration of such time without examination upon application thereof, and upon payment of the sum of \$2.00, providing no sufficient cause is shown against the renewal thereof. Sufficient cause shall be deemed such acts or omissions as will warrant the said board in revoking a certificate already issued as provided by this Act.

SEC. 12. Nothing in this Act shall prohibit any person from serving as an apprentice in such trade under an engineer authorized to practice under this Act in one plant, nor from acting as a fireman, while under the control and direction of an engineer authorized to practice under this Act.

SEC. 13. Said board shall keep a register, in which shall be entered the names of all persons to whom certificates are issued under this Act, and said register shall be at all times open to public inspection.

SEC. 14. Any license or certificate issued under this Act may be revoked by the said board for the following causes, viz.: Drunkenness while on duty, incompetency, willful neglect of duty as an engineer, or for having obtained the same by fraud or misrepresentation, upon due notice to the accused and hearing by said board.

SEC. 15. Any person practicing the occupation of a steam engineer without having obtained a certificate of registration as provided by this Act, or who generates steam in any steam boiler, except in accordance with the provisions of this Act, or who falsely represents himself to be qualified to practice the occupation of a steam engineer under the provision of this Act, or any person who willfully employs any person to operate a steam engine or boiler, or to practice the occupation of a steam engineer knowing the said person to be not qualified for the practice under the provisions of this Act, or who violates any other provisions of this Act, shall be guilty of misdemeanor, and upon the conviction thereof shall be punished according to law. The board or any member thereof shall have the authority and are hereby empowered to visit any engine rooms or boiler rooms in the State at all reasonable hours.

SEC. 16. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed. This Act shall take effect immediately.

Substitute read and adopted.

The following amendment was offered to the substitute previously printed:

By Senator French:

On page three, Section 8, add at end of line thirteen the following: "Provided, that such applicant shall be graded according to the experience had, and as shown by his affidavit, in the manner set forth in Section 9 of this Act."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 55—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

During the second reading of bill, the following amendments were offered by Senator Devlin:

Amend Section 1 by adding thereto the following: "And also to employ at least twenty prisoners under like conditions on roads extending from the State Prison at Folsom, in Sacramento County, or connecting therewith."

Amendment adopted.

Also:

Amend the title by adding the letter "s" to the word "prison," immediately before the word "at," and by adding at the end of the word "San Quentin" the words "and at Folsom," and striking out the period after the words "San Quentin."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

At eleven o'clock and fifteen minutes A. M., Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

Senate Bill No. 107—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 1203 and 1215 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 33—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and distribution of their property.

During the second reading of bill, the following committee substitute for Senate Bill No. 33, previously printed, was read and adopted:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 33.

An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any irrigation district organized under the provisions of an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and all Acts supplementary thereto, or amendatory thereof, including an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of lands embraced within such districts, and, also, to provide the distribution of water for irrigation purposes," approved March 31, 1897, may be dissolved in the manner hereinafter provided.

SEC. 2. A majority in number of the holders of title, or evidence of title, to real property in any irrigation district, and a majority in value of said property according to the equalized assessment roll of said district for the year last preceding upon which any assessment has been made, may propose the dissolution of said district by a petition signed by such majority, which petition shall set forth the amount of the outstanding bonds, coupons, and other indebtedness, if such there be, together with a general description of the same, and the holders, so far as known, showing the amount of each description of indebtedness and the ownership, so far as known, of the same. Also the estimated cost of the dissolution of said district. Said petition shall also state the assets of said district, including irrigation system, if any, dams, reservoirs, canals, franchises, water rights, a detailed statement of all the lands sold to the district for assessments, and the amount of the assessments on each parcel of land sold, also all assessments unpaid, and the amount upon each lot or tract of land, and all other assets of the district; and in case any proposition has been made by the holders of said indebtedness to settle the same, said proposition, together with any plan proposed to carry the same into execution, shall be included in said petition.

SEC. 3. Upon the filing of said petition with the board of directors of said district said board shall call a special election, at which shall be submitted to the electors of

such district the question whether or not said district shall be dissolved, its indebtedness liquidated and its assets distributed in accordance with the plan so proposed, or in case no plan has been proposed then in accordance with a plan which shall be proposed by said board of directors in the notice of election, but no such election shall be called until the assent of all the known holders of valid indebtedness against the district shall be obtained or provision shall be made in said plan for the payment of such non-assenting holders. Notice of such election must be given by posting notices in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the office of the board of directors is required to be kept, once a week for at least three successive weeks before such election. Such notices must specify the time of holding the election, the fact that it is proposed to dissolve the district, and a brief summary of the plan proposed for liquidating its indebtedness and disposing of its assets. Said election shall be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions governing the election of officers in irrigation districts. At such election the ballot shall contain the words "Dissolution of the district—Yes" or "Dissolution of the district—No," or words equivalent thereto.

SEC. 4. In case upon such canvass it is found and declared by said board of directors that two thirds of the votes cast at such election shall be cast in favor of "Dissolution of the district—Yes," then the said board of directors shall file a petition in the superior court of the county wherein is located the office of such board to determine the validity of the proceedings had and of the proposed plan for the dissolution of said district. Such action shall be in the nature of a proceeding in rem, and jurisdiction of all parties interested may be had by publication of a notice of the pendency of the proceeding for at least once a week for three weeks in some paper of general circulation published in the county where the action is pending, such paper to be designated by the court having jurisdiction of the proceeding; jurisdiction shall be complete in thirty days after the completion of such notice in the manner herein provided. Any one interested may at any time before the expiration of said thirty days appear and contest the validity of the proceedings already had and of the plan proposed for the dissolution of said district or any portion thereof, including the validity of any portion of the indebtedness set out in said petition, and the court may determine the validity of any sales for assessments and may determine the amount of any assessment or assessments due upon the various parcels and lots of real estate within said district and may determine the amount of any assessment or assessments theretofore paid upon the various parcels and lots of real estate therein, and may in said proceeding adjust and determine the rights and liabilities of all parties. Such action shall be speedily tried and judgment rendered. Either party shall have the right to appeal at any time within thirty days after the entering of such judgment, and the appeal must be heard and determined within three months after the taking of such appeal.

SEC. 5. Said petition to the superior court shall set forth the facts required to be set forth in the petition to the board of directors and all the proceedings therein, and at the hearing the court shall hear and determine the regularity, legality, and correctness of all proceedings and in doing so shall disregard any error, irregularity or omission which does not affect the substantial rights of the parties. The rules of pleading and practice in the Code of Civil Procedure not inconsistent with the provisions of this Act are made applicable to the proceeding herein provided. The costs of any contest may be allowed and proportioned between the parties or taxed to the losing party in the discretion of the court and no contest of any matter or thing herein provided for shall be made other than in the time and manner herein specified.

SEC. 6. If no such proceeding shall have been filed by the board of directors within thirty days after the canvass of said vote, then any district assessment payer may bring an action in the superior court of the county wherein the office of the board of directors is located. The board of directors shall be made parties defendant and notice shall be served on the members of the board personally, if they can be found in the State, if not, then service by publication, as aforesaid, shall be sufficient. Proceedings shall be had in the same manner and with the same effect as if brought by the board of directors.

SEC. 7. A corporation may be organized under general laws for the purpose of acquiring the assets of said district including the irrigation system, if any, dams, reservoirs, canals, franchises and water rights, which corporation shall have all the powers, rights and franchises of corporate bodies organized under general laws and in addition shall have such further powers as may be necessary to possess and carry on said irrigation system and exercise such franchises and water rights.

SEC. 8. The court in its decree shall have power to make the orders necessary to carry out said proposition for the discharge of the indebtedness and distribution of the property of said district, including the right to apportion any indebtedness found due, and to declare said portions liens upon the various parcels and lots of land within the district, and may decree a sale of its assets in such manner as may effectuate said proposition and as the said court may judge best, either in one lot or in such parcels as may be provided, and may provide for conveyance of said irrigation system, including dams, reservoirs, canals, franchises, and water rights, and also of any other assets of the district, including lands sold thereto and the assessments due it.

SEC. 9. The amounts of any assessment or assessments found due upon the various parcels and lots of real estate within said district, and the amounts for which sales have been made, which sales have been determined to be valid by said court, together with

legal interest from the date of said sales and from the time when said assessments become delinquent, shall be liens respectively on the lots and parcels affected thereby, and the purchaser or purchasers at said sale may foreclose the same by action in the superior court, and shall in said action join all lots, assessments, and sales which may have been purchased by him and which remain unredeemed. A redemption may be made at any time by payment of the amount due to the clerk of the court for the use of the district if before sale, and for the use of the purchaser if after sale, and the clerk shall thereupon enter a minute of said payment, which payment shall be in the discharge of said lien. Redemption from the lien created for any portion of the indebtedness can be had in this manner.

SEC. 10. Whenever all the property of such irrigation district shall have been disposed of, and all the indebtedness and obligations thereof, if any there be, shall have been discharged, the balance of the money of said district shall be distributed to the assessment payers in said district upon the last assessment roll in the proportion in which each has contributed to the total amount of said assessment, and the court shall enter a final decree declaring said district to be dissolved.

SEC. 11. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, ordered to engrossment, and third reading.

Senate Bill No. 94—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes in the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 72—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 75—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provision of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 84—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals.

Bill read second time, open to amendment, and to retain place on file.

Senate Bill No. 148—An Act to amend an Act approved February 28, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 150—An Act to amend Sections 628, 629, 632, 635, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 87—An Act to amend the Political Code, by amending Section 2696 thereof and by adding a new section thereto, to be numbered Section 2643a, relating to roads and highways.

During second reading of bill, the following committee substitute for Senate Bill No. 87 was read and adopted:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 87.

An Act to amend the Political Code by amending Section 2696 thereof and by adding a new section thereto, to be numbered Section 2643a, relating to roads and highways.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-six hundred and ninety-six of the Political Code is hereby amended to read as follows:

Section 2696. Whenever it shall become necessary to acquire land in order to raise the banks along any stream, or remove obstructions therefrom, or widen, deepen, or straighten their channels for the purpose of protecting any public road or highway, or to construct flumes, ditches, or canals, or make other improvements for the purpose of carrying off storm-waters or floods, to a place of safety, the board must, by order, direct proceedings to procure land necessary for such purpose, to be instituted by the District Attorney of the county, in the name of the county, under and as provided in title seven of part three of the Code of Civil Procedure.

SEC. 2. A new section is hereby added to the Political Code, to be numbered section twenty-six hundred and forty-three a, so as to read as follows:

2643a. Whenever any public road or highway is in danger of being damaged by storm-waters or floods on the same, the Board of Supervisors shall adopt such measures as may be necessary to prevent such damage, and may, by ordinance, establish a district, adopt a general plan of protection from storm-waters and floods therein, and may cause a part, or all, of the road taxes collected in such district to be apportioned to a fund, and expended for such purpose, and they may also apportion to such fund, and expend for such purpose, an amount not exceeding twenty-five per centum of the general road fund of the county, or they may levy a special tax for such purpose, not exceeding fifty cents on each one hundred dollars of the taxable property in the district for such purpose, but no such special tax shall be levied upon any district until the proposition to levy the same has been submitted to the qualified electors of the district, and received a majority of all the legal votes cast on said proposition.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 26—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Bill ordered referred to Committee on Finance.

Senate Bill No. 168—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 21—An Act creating a fund for the benefit and support of high schools, and providing for its distribution.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out all of lines thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six, third page, printed bill, Section 5, and inserting in lieu thereof the following: "Foregoing provisions relating to the average daily attendance and the number of teachers employed shall not operate to disqualify any legally established high school existing at the date of the passage of this Act from receiving a share of said State High School Fund until July 1, 1904."

Amendment adopted.

AMENDMENT No. 2.

In line eight, fifth page, printed bill, Section 9, add thereto the following: "High schools eligible to receive State aid as herein provided shall admit as students only such pupils as have completed the full course of instruction prescribed for the primary and grammar schools of the county, or city and county, wherein the high school is located, or an equivalent course, or such pupils as may show by thorough examination

that their qualifications are equivalent to the requirements for graduation from said primary and grammar school course; *provided*, that pupils otherwise qualified to enter a high school and residing in territory wherein no high school exists shall have the right to attend any high school that receives State aid under the provisions of this Act without the payment of tuition fee."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting the words "represented in Senate and Assembly," between the words "California" and "do," in the enacting clause, first page, printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 17—An Act amending the Civil Code of the State of California by adding thereto a new section, numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation, owning any railroad in this State, of its property and franchises, or any part thereof, to any railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and describing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Bill read second time, open to amendment, and to retain place on file.

Senate Bill No. 159—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 16—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "traveling and other" in Section 2 of Senate Bill No. 16, on line two, second page, printed bill, and inserting in lieu thereof, the following: Before the word "necessary," in the same line, page, and section, the word "actual."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting in Section 6, line eight, page two, after the word "mentioned" the words "and the treasurer shall pay the same."

Amendment adopted.

The following amendments were offered by Senator Ward:

Amend the title of Senate Bill No. 131 by adding to the title, after the word "California," the words "and to appropriate money therefor."

Amendment adopted.

Also:

Amend enacting clause by striking out word "the" before word "Senate."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

ADJOURNMENT.

At eleven o'clock and forty-five minutes A. M., on motion of Senator Lukens, the Senate adjourned until ten o'clock A. M. of Tuesday, January 27, 1903.

IN SENATE.

SENATE CHAMBER,
Tuesday, January 27, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Coggins, Corlett, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Ralston, Savage, Shortridge, Ward, Williams, and Woodward—23.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, January 26, 1903, the further reading was dispensed with, on motion of Senator Corlett.

APPROVAL OF JOURNAL.

The Journal of Thursday, January 22, 1903, having been previously read and corrected, was approved.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 24, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the following: Assembly Joint Resolution No. 1—Relative to the construction of restraining dams and diverting canals on the Bear and American rivers.

Also: Passed (as a case of urgency) Assembly Bill No. 375—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session.

Also: Assembly Bill No. 8—An Act to add a new section to the Political Code of the State of California, to be known as Section No. 3611, relating to the general revenue of the State and to property exempt from taxation.

Also: Assembly Bill No. 14—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 thereof, relating to mortgages upon personal property.

Also: Assembly Bill No. 109—An Act to amend Section 5 of an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employes," approved February 6, 1889.

Also: Assembly Bill No. 24—An Act to amend Section 1885 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Also: Assembly Bill No. 25—An Act to amend Section 1882 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Also: Assembly Bill No. 157—An Act to amend Section 1758 of the Code of Civil Procedure of the State of California, relating to testamentary guardians.

Also: Assembly Bill No. 270—An Act to amend Section 3 of an Act entitled "An Act making an appropriation to the directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said Society," approved March 25, 1901.

Also: Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Also: Assembly Bill No. 40—An Act to amend Section 542 of the Code of Civil Procedure of the State of California, relating to the attachment of real and personal property.

Also: Adopted Senate Joint Resolution No. 4—Relative to an appropriation by Congress for the purchase of Nacimiento Ranch for a military instruction camp.

Also: Concurred in Senate Concurrent Resolution No. 4—Approving thirteen certain amendments to the charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein for that purpose on the first day of December, 1902.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 10 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 40 read first time, and referred to Committee on Judiciary.

Senate Joint Resolution No. 4 ordered to enrollment.

Senate Concurrent Resolution No. 4 ordered to enrollment.

Assembly Joint Resolution No. 1 referred to Committee on Mines and Mining.

Assembly Bill No. 375 read first time, and referred to Committee on Finance.

Assembly Bill No. 8 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 14 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 109 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 24 read first time, and referred to Committee on Education.

Assembly Bill No. 25 read first time, and referred to Committee on Education.

Assembly Bill No. 157 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 270 read first time, and referred to Committee on Finance.

RESOLUTION.

The following resolution was offered:

By Senator Hahn:

Resolved, That five hundred additional copies of Senate Bill No. 242 be ordered printed.

Resolution read and adopted

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, January 22, 1903.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered one hundred and thirty-one, relating to the powers and duties of the courts of the State in the appointment of probation officers, and defining the duties and powers of such officers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

JOHN R. TYRRELL, Chairman.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to take up and immediately consider Senate Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 131, relating to the powers and duties of the courts of the State in the appointment of probation officers and defining the duties and powers of such officers.

SECOND READING OF BILL.

Senate Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 131, relating to the powers and duties of the courts of the State in the appointment of probation officers and defining the duties and powers of such officers.

During the second reading of the bill, the following amendment was submitted by the committee:

Amend line thirty, page two, of printed bill, by inserting the letter "b" before the letter "y" where the same has been omitted.

Amendment lost.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ENROLLED AND ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 27, 1903.

MR. PRESIDENT: Your Committee on Enrolled and Engrossed Bills beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 64—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of Boards of Supervisors.

Committee Substitute for Senate Bill No. 33—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Senate Bill No. 72—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Senate Bill No. 75—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provision of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Senate Bill No. 94—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes in the State of California.

Senate Bill No. 107—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 1203 and 1215 thereof, relating to probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation.

Senate Bill No. 150—An Act to amend Sections 628, 629, 632, 635, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act.

Senate Bill No. 159—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same.

HUBBELL, Chairman.

Committee Substitute for Senate Bill No. 33, Senate Bills Nos. 64, 72, 75, 94, 107, 150 and 159 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, January 26, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 248—An Act making an appropriation for the contingent expenses of the Senate for the thirty-fifth session of the Legislature—and report that the same has been correctly enrolled, and presented the same to the Governor on this twenty-sixth day of January, 1903, at eleven o'clock and thirty-five minutes A. M.

HUBBELL, Chairman.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 26, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 260—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for non-payment of taxes—have had the same under consideration, and respectfully report the same back, and recommend that said Senate Bill No. 260 be amended in the particulars set forth in Senate Committee Amendment attached hereto, and, as so amended, that the same do pass.

Also: Senate Bill No. 50—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successors or assigns of such transferee or grantee may sell, incur, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee, or grantee or pledgee of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court or admitted, and to provide for entry of judgment in said action upon the said undertaking—have had the same under consideration, and respectfully report the same back, and recommend that said Senate Bill No. 50 do not pass, and recommend the annexed as a substitute therefor, and that such substitute do pass.

Also: Senate Bill No. 132—An Act to add a new section to the Political Code of the State of California, to be known as Section No. 3611, relating to the general revenue of the State and to property exempt from taxation.

Also: Senate Bill No. 192—An Act authorizing the appointment of a notary public in the City and County of San Francisco, to reside and transact notarial duties at Yerba Buena Island, or Goat Island, in the Bay of San Francisco, in addition to the number of notaries now authorized by law for said city and county.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

LUKENS, Chairman.

Senate Bills Nos. 260, 50, 132, and 192 ordered on file.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, January 27, 1903.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 101—An Act to amend Section 626 of the Penal Code of the State of California, relating to the preservation of game.

Also: Senate Bill No. 201—An Act to amend Section 626 of the Penal Code, relating to the preservation of game.

Have had the same under consideration, and respectfully report the same back, and recommend that committee substitute do pass.

COGGINS, Chairman.

Senate Bills Nos. 101 and 201 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Leavitt: Senate Bill No. 334—An Act to regulate the use of illuminating gas.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Corlett: Senate Bill No. 335—An Act to provide for the erection and furnishing of an eighty-room cottage for the Napa State Hospital, located near the City of Napa, and appropriating money therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 336—An Act to provide for the purchase of additional grounds for the Napa State Hospital, located near the City of Napa, State of California, and appropriating money therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 337—An Act to provide for the construction of a dam in Kruse Canyon, in the County of Napa, for the improvement and increase of the water supply of the Napa State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Lukens: Senate Bill No. 338—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3898a, relating to proceedings for the transfer to the Regents of the University of California of certain public lands acquired by tax sales.

Bill read first time, and referred to Committee on Judiciary.

By Senator Shortridge: Senate Bill No. 339—An Act to repeal Section 259 of the Penal Code, relating to libel.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 340—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 258, relating to publication of portraits and caricatures," approved February 23, 1899.

Bill read first time, and referred to Committee on Judiciary.

By Senator Woodward: Senate Bill No. 341—An Act to provide for the purchase of fire apparatus and machinery, and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Savage: Senate Bill No. 342—An Act to amend and re-enact Section 1126 of the Code of Civil Procedure, relating to appeals in contested election cases.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 343—An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court.

Bill read first time, and referred to Committee on Judiciary.

By Senator Ward: Senate Bill No. 344—An Act to amend Section 501 of the Civil Code of the State of California.

Bill read first time, and referred to Committee on Corporations.

By Senator Coggins: Senate Bill No. 345—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California and Oregon Railroad near the mouth of Slate Creek, in Shasta County, thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth, thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Diggs: Senate Bill No. 346—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education.

Bill read first time, and referred to Committee on Education.

By Senator Ralston: Senate Bill No. 347—An Act to amend Section 8 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the powers of the Board of Trustees of the State Mining Bureau.

Bill read first time, and referred to Committee on Mining.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

MOTION TO RECONSIDER.

In compliance with his notice of yesterday, Senator Leavitt moved a reconsideration of the vote whereby the following report and resolutions of the Committee on Contingent Expenses and Mileage were refused adoption:

Resolved, That the San Francisco Delegation be allowed a clerk at \$4 per diem.

Also:

Resolved, That Miss Kate Neelson be appointed Stenographer and Clerk for the Union Labor minority of the Senate, at a per diem of \$5.00. The Controller is directed to draw his warrant in accordance with this resolution, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

The motion was duly seconded.

SPECIAL ORDER SET.

On motion of Senator Leavitt, the further consideration of the above motion to reconsider was made a special order for Thursday, January 29th, immediately after the reading of the Journal.

THIRD READING OF BILLS.

Senate Bill No. 33—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Bill read third time.

Senator Ward moved to refer to Senator Shortridge, as a special committee of one, to amend as follows:

Section 4, in line twelve on page three, between the words "county" and "where," insert the words "or counties"; also, by striking out the word "such," being the last word in line twelve, and the word "paper," being the first word in line thirteen on page three, and inserting in lieu thereof: "provided, that if the property of the district is situated in more than one county, then the publication shall be made in one paper in each county wherein the same is situated, such paper or papers." In Section 6, page four, striking out the word "aforesaid" in line nine, and inserting in lieu thereof the words "provided in Section 4."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 27, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 33—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and distribution of their property—with instructions to amend, respectfully report the same back, amended as per instructions.

SHORTRIDGE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 75—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provision of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 75 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Savage, Shortridge, Ward, Williams, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 150—An Act to amend Sections 628, 629, 632, 635, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act.

Bill read third time.

On motion of Senator Coggins, bill passed on file, and to retain place on file.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, January 29, 1903.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 1—An Act transferring money from the General Fund to the Printing Fund.

Also: Senate Bill No. 248—An Act making an appropriation for the contingent expenses of the Senate.

GEO. C. PARDEE,
Governor of the State of California.

SECOND READING OF BILLS.

Senate Bill No. 30—An Act to amend Section 1132 of the Political Code of the State of California, relating to the place for holding an election.

During second reading of bill, the following committee amendments were submitted:

AMENDMENT No. 1.

Amend Section 1, line ten of printed bill, by striking out period after the word "place," and inserting in lieu thereof a comma, and adding the words "within the precinct."

Amendment adopted.

AMENDMENT No. 2.

Amend, in line fourteen of printed bill, after the word "place," by inserting a comma, and adding the words "within the precinct."

Amendment adopted.

AMENDMENT No. 3.

Amend, in line fifteen of printed bill, by striking out period after the word "section," and inserting in lieu thereof a semicolon, and adding: "*provided*, that in cities or cities and counties which are not divided into townships for judicial purposes, a majority of the Justices of the Peace residing in such city, or city and county, shall discharge the duties imposed by this section."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

ADJOURNMENT.

At eleven o'clock and five minutes A. M., on motion of Senator Ralston, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, January 28, 1903.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Savage, Shortridge, Smith, Ward, Williams, and Woodward—25.

Quorum present.

LEAVES OF ABSENCE.

• Senator Greenwell was, on motion of Senator Ralston, granted leave of absence for the day.

Senator Emmons was, on motion of Senator Coggins, granted leave of absence for the day.

• Senator Devlin was, on his own motion, granted leave of absence for Thursday, January 29, 1903.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, January 27, 1903, the further reading was dispensed with, on motion of Senator Curtin.

APPROVAL OF JOURNAL.

The Journal of Thursday, January 23, 1903, having been previously read and corrected, was approved.

COMMUNICATION.

The President presented a communication, received in a registered letter, which was referred to Committee on Public Health and Quarantine.

RESOLUTION.

The following resolution was offered:

By Senator Belshaw:

Resolved, That the Senate Committee on Rules be requested to meet with the Committee on Rules and Regulations of the Assembly so soon as possible and report joint rules for the consideration of the Senate and Assembly.

Resolution read and adopted.

COMMITTEE INSTRUCTED TO REPORT ON JOINT RESOLUTION.

On motion of Senator Devlin, the Committee on Federal Relations was instructed to report back by Monday, February 2, 1903, at ten o'clock A. M., Senate Joint Resolution No. 6—Instructing our Senators in Congress to vote against the ratification of the proposed treaty with Cuba, reducing the duty upon sugar and upon other products of the State of California.

SPECIAL ORDER SET.

On motion of Senator Devlin, the consideration of Senate Joint Resolution No. 6 was made the special order immediately after the introduction and first reading of bills on Monday, February 2, 1903.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 27, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 115—An Act to provide for the compilation, printing, binding, publishing, and distribu-

tion of a legislative manual and State blue book, or roster, and repealing conflicting Acts.

Also: Senate Bill No. 67—An Act for preserving the James W. Marshall monument at Coloma, California, piping water on the grounds where located, and improving said grounds, and making an appropriation therefor.

Also: Senate Bill No. 41—An Act appropriating the sum of \$2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 105—An Act to appropriate the sum of \$1,416.50 for the purchase of ballot paper for the Secretary of State's office, to be used during the remainder of the fifty-fourth fiscal year.

Also: Assembly Bill No. 375—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session.

Also: Senate Bill No. 310—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DEVLIN, Chairman.

Senate Bills Nos. 115, 67, 41, 105, and 310, and Assembly Bill No. 375 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 27, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 144—An Act to amend Sections 408, 409, 410, and 420, and to repeal Section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of Secretary of State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, as amended.

Also: Senate Bill No. 58—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association is not the judgment debtor; to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court or admitted—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute herewith submitted be adopted, and do pass.

Also: Senate Bill No. 54—An Act to appropriate \$2,519.88 to pay the claim of Mrs. S. L. Bee for interest upon bonds issued by the Treasurer of the State of California under the provisions of the Act of the Legislature of the State of California entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians," approved May 3, 1852, represented by coupons 3, 4, and 5 of the following bonds: Bonds for \$1,000 each and numbered, respectively, 63, 64, 65, 66, 67, 77, 85, 94, 95, 101, and 284; bonds for \$500 each and numbered, respectively, 57, 109, 176, and 185; bonds for \$100 each and numbered, respectively, 10, 11, 77, 79, and 105—have had the same under consideration, and respectfully report the same back without recommendation, and that it be re-referred to Committee on Finance.

Also: Senate Bill No. 68—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid.

Also: Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LUKENS, Chairman.

Senate Bills Nos. 144, 58, 68, 312 ordered on file.

Senate Bill No. 54 referred to Committee on Finance.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, January 28, 1903.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Committee Substitute for Senate Bills Nos. 101 and 201—An Act to amend Sections 626, 626a, 626f, and 626h of the Penal Code of the State of California, all relating to the protection and preservation of game—have had the same under consideration, and respectfully report the same back, and recommend that same do pass.

COGGINS, Chairman.

Committee Substitute for Senate Bills Nos. 101 and 201 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Oneal: Senate Bill No. 348—An Act for the better protection of fruit and berry growers, and to prevent the fraudulent labeling of fruit and berries.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

Also: Senate Constitutional Amendment No. 16—Submitting to the people of the State of California an amendment to the Constitution amending Section 1, Article XX, of the Constitution of the State of California, relative to the seat of government of said State and the manner of changing the same.

Read, and referred to Committee on Constitutional Amendments.

By Senator Flint: Senate Bill No. 349—An Act to pay the claim of H. W. Sitton, and to make an appropriation therefor for \$1856.78, on bond of the State of California, number 592, issued July 9, 1858.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 350—An Act to amend Section 3443 of the Political Code of the State of California, relating to the purchase of swamp and overflowed or tide lands of the State of California.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Belshaw: Senate Bill No. 351—An Act to declare the ownership of and provide for and regulate the diversion, distribution and use of waters of flowing streams in this State, and the abandonment and forfeiture of such rights, defining and limiting riparian rights, limiting the right to injunction to prevent the beneficial use of water, providing for the acquisition of rights of way for canals, ditches, and pipe-lines, providing penalties for violations of this Act and the unlawful diversion or use of water, establishing a State Board of Engineers, abolishing the offices of Commissioner of Public Works and Auditing Board to the Commissioner of Public Works, and transferring the powers and duties of the Commissioner of Public Works and Auditing Board to the Commissioner of Public Works to said Board of Engineers, providing the powers and duties of said Board of Engineers and fixing their compensation, providing for the fixing of rates and compensation for the use of water sold, rented or distributed to the public in this State other than in any city, city and county, or town therein, and the procedure therefor, compelling persons, corporations, and companies supplying water to keep their plants and systems in repair, and requiring annual reports from them to said Board of Engineers, providing for the appointment and compensation of deputies and assistants to said Board of Engineers, limiting the expenses of such Board and its deputies and assistants, and providing for the payment thereof, requiring such Board of Engineers to ascertain, determine, and make record of the flow of streams, and make gaugings thereof, and to ascertain and report the quantity of riparian lands on each stream, the amount of water used and needed for the irrigation thereof, and the appropriations of water upon each of the streams, the amount thereof, and when each was made, and to make and file maps and reports showing such riparian lands, use of water thereon, and such appropriations, and fixing and defining the unit of measurement of water, fixing the rules and rights of priority in the use of water, authorizing the State to take over and acquire title to water rights and

water works, subjecting the appropriation of water to Acts of Congress, providing for storage of flood waters, in certain cases, fixing the place of residence of the Chief Engineer of said Board of Engineers and of the office of said Board, and the times of its regular meetings, and repealing Title VIII of the Civil Code of this State, Sections 1410 to 1421, inclusive, and the Act of the Legislature of this State, approved March 12, 1885, entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water of this State other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to places of use," and an Act of the Legislature of this State, approved March 23, 1901, entitled "An Act fixing and defining a miner's inch of water," and all other laws and parts of laws in conflict with this Act.

Bill read first time, and referred to Committee on Irrigation.

By Senator Devlin: Senate Bill No. 352—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said Code by an Act approved March 23, 1901.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 353—An Act entitled an Act to amend Subdivision 9 of Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," relating to the office of County Detective, creating the same, and fixing the salary thereof.

Bill read first time, and referred to Committee on County Government.

By Senator Bunkers: Senate Bill No. 354—An Act to protect the manufacturing industries of this State.

Bill read first time, and referred to Committee on Manufactures and Immigration.

By Senator Diggs: Senate Bill No. 355—An Act providing for the relief of J. H. Sawtell, directing the Board of Trustees of the City of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of \$1,130 and interest thereon, and to audit the demand therefor, and directing the President of the said Board of Trustees of said city to issue his warrant for said sum of money, and the City Clerk of said city to countersign said warrant, and the Treasurer of said city to pay said warrant.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Knowland: Senate Bill No. 356—An Act to amend Section 1885 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 357—An Act to amend Section 1882 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Bill read first time, and referred to Committee on Education.

By Senator Leavitt: Senate Bill No. 358—An Act to amend Section 1576 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to school districts.

Bill read first time, and referred to Committee on Education.

At ten o'clock and thirty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 107—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 1203 and 1215 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 107 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Savage, Shortridge, Smith, Ward, Williams, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 168—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 168 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hubbell, Leavitt, Luchsinger, Lukens, Ralston, Savage, Shortridge, Smith, Ward, Williams, and Woodward—21.
NOES—Senator Nelson—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 131, relating to the powers and duties of the courts of the State in the appointment of probation officers, and defining the duties and powers of such officers.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 108 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Savage, Shortridge, Smith, Ward, Williams, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 64—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of Boards of Supervisors.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 64 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs,

Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Oneal, Ralston, Savage, Shortridge, Smith, Ward, Williams, and Woodward—24.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 159—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same.

Bill read third time.

Senator Ralston moved to refer to Senator Shortridge, as a special committee of one, to amend as follows:

Amend by striking out the word "one" in Section 1 on line twenty-three, second page, printed bill, and inserting in lieu thereof the word "five."

Also: Amend by striking out the word "ten" in Section 1 on line thirty-four, second page, printed bill, and inserting in lieu thereof the word "fifty."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 28, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 159—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same—with instructions to amend, respectfully reports the same back, amended as per instructions.

SHORTRIDGE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

SECOND READING OF BILLS.

Senate Bill No. 260—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for non-payment of taxes.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out in line seven, Section 1, the word "or," all of lines eight, nine, ten, eleven, and twelve, and in line thirteen the words "required by law to be performed"; also, by striking out in line sixteen, Section 1, the word "all," and in lieu thereof inserting the word "such"; also, by striking out all of line eighteen following the word "instance," all of lines nineteen and twenty; also, by striking out in line twenty-three the words "approval of this Act," and inserting in lieu thereof the words "execution of such deed."

Amendments adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 132—An Act to add a new section to the Political Code of the State of California, to be known as Section No. 3611, relating to the general revenue of the State and to property exempt from taxation.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 192—An Act authorizing the appointment of a notary public in the City and County of San Francisco, to reside and transact notarial duties at Yerba Buena Island, or Goat Island, in the Bay of San Francisco, in addition to the number of notaries now authorized by law for said city and county.

During the second reading of bill, the following amendment was offered by Senator Luchsinger:

Amend by striking out of Section 2, line one, the word "law" and inserting the word "Act."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 101—An Act to amend Section 626 of the Penal Code of the State of California, relating to the preservation of game.

During the second reading of the bill, the following substitute for Senate Bills Nos. 101 and 201, previously printed, was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 101 AND 201.

An Act to amend Sections 626, 626a, 626f, and 626h of the Penal Code of the State of California, all relating to the protection and preservation of game.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 626 of the Penal Code of the State of California is amended to read as follows:

Section 626. Every person who, between the fifteenth day of February and the fifteenth day of October of any year, hunts, pursues, takes, kills or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the State from any other State, Territory, or foreign country, any valley quail, or partridge, or any kind of wild duck, or any rail, or any curlew, ibis or plover; or who between the fifteenth day of February and the first day of September of any year, hunts, pursues, takes, kills or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the State from any other State, Territory, or foreign country, any mountain quail, grouse or sage-hen is guilty of misdemeanor.

SEC. 2. Section 626a (section six hundred and twenty-six a) of the Penal Code of the State of California is hereby amended to read as follows:

Section 626a. Every person who, between the 15th day of February and the first day of July of the same year, hunts, pursues, takes, kills or destroys, or has in his possession, any dove, is guilty of a misdemeanor.

SEC. 3. Section six hundred and twenty-six f of the Penal Code of the State of California is hereby amended to read as follows:

Section 626f. Every person who, between the first day of November and the fifteenth day of July of the following year, hunts, pursues, takes, kills or destroys, or has in his possession, whether taken or killed in the State of California, or shipped into the State from any other State, Territory, or foreign country, any male deer, or any deer meat, is guilty of a misdemeanor.

SEC. 4. Section six hundred and twenty-six h of the Penal Code of the State of California is hereby amended to read as follows:

Section 626h. Every person who buys, sells, offers or exposes for sale, barter or trade, the hide, pelt or skin of any deer, or who transports, carries, or has in his possession, the skin, pelt or hide of any female deer, or spotted fawn, or any deer hide or pelt from which the evidence of sex has been removed, is guilty of a misdemeanor; *provided, however*, that the provisions of this section shall not apply to the skin, pelt or hide of any deer killed or taken in a foreign country.

SEC. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 6. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, ordered to engrossment and third reading.

GRANTED THE USE OF SENATE CHAMBER.

Senator Ralston asked for and was granted the use of the Senate Chamber on Monday evening, February 2, 1903, for an open meeting to be held by the Committee on Mining.

ADJOURNMENT.

At eleven o'clock and fifteen minutes A. M., on motion of Senator Ralston, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,

Thursday, January 29, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Savage, Shortridge, Smith, Ward, Williams, Wolfe, and Woodward—27.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, January 28, 1903, the further reading was dispensed with, on motion of Senator Ralston.

APPROVAL OF JOURNAL.

The reading of the Journal of Monday, January 26, 1903, was concluded, and the same corrected and approved.

LEAVES OF ABSENCE.

Senator Greenwell was, on motion of Senator Ralston, granted leave of absence until Saturday, January 31, 1903.

Senator Emmons was, on motion of Senator Coggins, granted leave of absence for the day.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 27, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 99—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for the formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

Also: Assembly Bill No. 132—An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California, by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first-named Act having been approved February 20, 1901, and adding five new sections to said Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11, and providing for making the violation of certain sections thereof a misdemeanor.

Also: Assembly Bill No. 322—An Act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by

providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887.

Also: Assembly Bill No. 437—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 99 read first time, and referred to Committee on Agriculture and Dairying.

Assembly Bill No. 132 read first time, and referred to Committee on Agriculture and Dairying.

Assembly Bill No. 322 read first time, and on motion of Senator Shortridge was temporarily held, pending its substitution for Senate Bill No 190—An Act providing for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any and all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, and erection and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887.

Assembly Bill No. 437 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, January 28, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 143—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Also: Assembly Bill No. 55—An Act to validate and legalize the retention of fees heretofore retained by the mining recorders of the various counties of this State for the recording of notices of location of mining claims, and the recording of affidavits of annual expenditure upon such claims.

Also: Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

Also: Assembly Bill No. 130—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Also: Assembly Bill No. 115—An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing the penalties therefor.

Also: Assembly Bill No. 33—An Act to amend the Civil Code by adding two new sections thereto, to be numbered 131 and 132, to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

Also: Assembly Bill No. 446—An Act to amend Section 408 of the Code of Civil Procedure, relating to the summons in civil cases.

Also (case of urgency): Assembly Bill No. 448—An Act making an appropriation for transportation of prisoners for the fifty-third and fifty-fourth fiscal years.

Also (case of urgency): Assembly Bill No. 449—An Act making an appropriation for transportation of the insane for the fifty-second, fifty-third, and fifty-fourth fiscal years.

Also (case of urgency): Assembly Bill No. 450—An Act making an appropriation for the arrest of criminals without the limits of the State, for the fifty-third and fifty-fourth fiscal years.

Clio LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Assembly Bill No. 143 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 55 read first time, and referred to Committee on Mining.

Assembly Bill No. 139 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 130 read first time, and referred to Committee on Education.

Assembly Bill No. 115 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 33 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 446 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 448 read first time, and referred to Committee on Finance.

Assembly Bill No. 449 read first time, and referred to Committee on Finance.

Assembly Bill No. 450 read first time, and referred to Committee on Finance.

BILL RECALLED FROM COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

On motion of Senator Coggins, Committee Substitute for Senate Bills Nos. 101 and 201—An Act to amend Sections 626, 626*a*, 626*f*, and 626*h*, of the Penal Code of the State of California, all relating to the protection and preservation of game—was ordered recalled from engrossment for the purpose of amendment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 28, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Concurrent Resolution No. 8—Relative to the consent of the Legislature to the absence of His Excellency George C. Pardee, Governor of the State of California, from the State for more than sixty days.

Also: Senate Bill No. 74—An Act to repeal an Act entitled "An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens and regulating the provisions to be contained in building contracts," approved March 28, 1901.

Also: Senate Bill No. 121—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 537, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding-houses, and lodging-houses," approved March 1, 1889.

Also: Senate Bill No. 204—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers, or warehousemen.

Also: Senate Bill No. 200—An Act to amend Section 1379 of the Code of Civil Procedure, relating to the petition for letters testamentary and of administration, and action thereon.

Also: Senate Bill No. 242—An Act to protect trade and commerce against unlawful restraints and monopolies.

Also: Senate Bill No. 290—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel.

Also: Senate Bill No. 292—An Act in relation to municipal bonds.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 190—An Act providing for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments, creating, changing, or affecting trusts and estates; for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any and all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, and erection and maintenance, within this State, of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State, suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

Also: Senate Bill No. 182—An Act to amend Section 90, Section 91, and Section 92 of the Civil Code of the State of California, relating to the dissolution of marriages and providing for the granting of divorces; and Section 281 of the Penal Code of the State of California, relating to bigamy—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 32—An Act to amend Section 382 of the Penal Code—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Manufactures and Immigration.

LUKENS, Chairman.

Senate Concurrent Resolution No. 8, and Senate Bills Nos. 74, 121, 204, 200, 242, 290, 292, 190, and 182 ordered on file.

Senate Bill No. 32 referred to Committee on Manufactures and Immigration.

ON COMMISSIONS, RETRENCHMENT, AND REFORM.

SENATE CHAMBER, SACRAMENTO, January 29, 1903.

MR. PRESIDENT: Your Committee on Commissions, Retrenchment, and Reform, to whom was referred Senate Bill No. 251—An Act to select and adopt "The Golden Poppy" as the State flower of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SMITH, Chairman.

Senate Bill No. 251 ordered on file.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 28, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 34—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Also: Senate Bill No. 36—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No. 95—An Act amending Section 1570 of the Penal Code of the State of California, providing for the disposition of fines and forfeitures collected by any court in the State of California.

Also: Senate Bill No. 97—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No. 117—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Also: Senate Bill No. 188—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.

Senate Bills Nos. 34, 36, 95, 97, 117, and 188 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 27, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed: Senate Bill No. 148—An Act to amend an Act, approved February 28, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act.

Also: Senate Bill No. 168—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

Also: Committee Substitute for Senate Bill No. 87—An Act to amend the Political Code by amending Section 2696 thereof, and by adding a new section thereto, to be numbered Section 2643a, relating to roads and highways.

Also: Senate Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 131, relating to the powers and duties of the courts of the State in the appointment of probation officers, and defining the duties and powers of such officers.

Also: Committee Substitute for Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among steam engineers in the State of California.

Also: Committee Substitute for Senate Bill No. 33—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Also: Senate Bill No. 30—An Act to amend Section 1132 of the Political Code of the State of California, relating to the place for holding an election.

Also: Committee Substitute for Senate Bills Nos. 101 and 201—An Act to amend Sections 626, 626a, 626f, and 626h of the Penal Code of the State of California, all relating to the protection and preservation of game.

HUBBELL, Chairman.

Senate Bills Nos. 148, 168, 108, and 30, and Committee Substitutes for Senate Bills Nos. 87, 62, and 33, ordered on file.

SENATE BILL RETURNED FROM ENGROSSMENT FOR PURPOSE OF AMENDMENT.

Committee Substitute for Senate Bills Nos. 101 and 102, having been returned from engrossment, the same was, on motion of Senator Coggins, taken up for amendment.

Committee Substitute for Senate Bills Nos. 101 and 201—An Act to amend Sections 626, 626a, 626f, 626h of the Penal Code of the State of California, relating to the preservation of game.

The following amendment was offered by Senator Coggins:

On page one, Section 1, amend by adding the word "a" before the word "misdemeanor" in last line.

Amendment adopted.

Bill ordered to print and re-engrossment.

SUBSTITUTION OF ASSEMBLY BILLS ON FILE FOR SENATE BILLS ON FILE.

On motion of Senator Flint, Assembly Bill No. 143—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895—was recalled from Committee on Municipal Corporations and substituted on file for Senate Bill No. 117—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895—without reference to committee.

On motion of Senator Shortridge, Assembly Bill No. 322—An Act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purpose herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887—was substituted on file for Senate Bill No. 117—An Act providing for proceedings for the ascertainment of the existence and terms of and for the determination of the validity and legal effect of grants or other instruments, creating, changing, or affecting trusts and estates for the founding, endowment and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any and all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, and erection and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding and protection of real property within this State suitable for the purposes herein designated,

and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887.

COMMITTEE ON RULES INSTRUCTED.

On motion of Senator Lukens, the Committee on Rules was requested to submit a rule governing the substitution of Assembly bills for Senate bills on file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, January 29, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 86—An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first-named Act having been approved February 20, 1901, and adding five new sections to said Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11.

Also: Senate Bill No. 240—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners, and making such unlawful sales a misdemeanor and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BYRNES, Chairman.

Senate Bills Nos. 86 and 240 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 28, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 69—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Also: Senate Bill No. 70—An Act making an appropriation for the purchase of law books for the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DEVLIN, Chairman.

Senate Bills Nos. 69 and 70 ordered on file.

SUBSTITUTION OF ASSEMBLY BILLS ON FILE FOR SENATE BILLS ON FILE.

On motion of Senator Ward, Assembly Bill No. 130—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property—was substituted on file for Senate Bill No. 33—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Also: Assembly Bill No. 132—An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California, by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first-named Act

having been approved February 20, 1901, and adding five new sections to said Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11, and providing for making the violation of certain sections thereof a misdemeanor—was substituted on file for Senate Bill No. 86—An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and to provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first-named Act having been approved February 20, 1901, and adding five new sections to said Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Caldwell (by request): Senate Bill No. 359—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California, providing penalties for violations hereof, and to repeal an Act now in force relating to the same, known as 'An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 10, 12, 14, 15, 19, and 25, repealing Sections 16, 17, 18, and adding a new section to be numbered and designated Section 22½.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Byrnes: Senate Bill No. 360—An Act to establish a State Dairy School and Experimental Farm, to be located at Menlo Park, in San Mateo County, State of California, on lands belonging to the University of California, known as the "Flood Property," and to appropriate money therefor.

Bill read first time, and referred to Committee on Education.

By Senator Hubbell: Senate Bill No. 361—An Act to provide that any person or persons who shall prevent, attempt to prevent, or cause to be prevented, any person or persons, other than Chinamen not entitled to enter the United States, from landing upon any island or islands off the coast of the State of California, and subject to the jurisdiction thereof, or from having free and unrestricted access to any city, town, village, or public institution thereon, shall be guilty of a misdemeanor; and providing a penalty therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Shortridge: Senate Bill No. 362—An Act for the improvement, construction, and maintenance of a public highway from a point at or near the Town of Saratoga, County of Santa Clara, State of California, southwesterly through the counties of Santa Clara, San Mateo, and Santa Cruz, to and into the California Redwood Park, in said Santa Cruz County, and making an appropriation extending aid to the said counties of Santa Clara, San Mateo, and Santa Cruz, for such purpose, under the control and direction of the Redwood Park Commission.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Savage: Senate Bill No. 363—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 364—An Act to prescribe method of electing boards of education in cities controlled by charters other than those controlled by city and county government.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 365—An Act to amend Sections 1 and 11 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," which Act became a law under constitutional provision, without Governor's approval, February 27, 1901.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Senator Ralston: Senate Bill No. 366—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Ward: Senate Bill No. 367—An Act to amend Section 1668, relating to physical culture and exercises.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 368—An Act to amend Section 1665 of the Political Code, relating to branches in instruction in the public schools of this State.

Bill read first time, and referred to Committee on Education.

By Senator Belshaw: Senate Bill No. 369—An Act to establish a uniform system to enable towns or municipalities of certain classes or districts to form water districts.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Pendleton: Senate Bill No. 370—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Wolfe: Senate Bill No. 371—An Act making an appropriation to pay the claim of H. W. Randal for the reward offered by the State of California for the arrest of Josef E. Blanthier, for murder.

Bill read first time, and referred to Committee on Finance.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

CONSIDERATION OF SPECIAL ORDER.

The further consideration of the motion of Senator Leavitt, to reconsider the vote whereby the following report and resolution of Committee on Contingent Expenses and Mileage:

Resolved, That the San Francisco Delegation be allowed a clerk at \$4 per diem.

Also:

Resolved, That Miss Kate Nealson be appointed Stenographer and Clerk for the Union Labor minority of the Senate, at a per diem of \$5.00. The Controller is directed to draw his warrant in accordance with this resolution, and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

which were on a previous day refused adoption, having been set as a special order for this hour, the same was taken up.

The motion to reconsider having been duly made and seconded on Tuesday, January 27, 1903.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Savage, Shortridge, Smith, Ward, Williams, and Woodward—25.

NOES—None.

SPECIAL ORDER SET.

On motion of Senator Shortridge, the further consideration of the above report and resolutions of Committee on Contingent Expenses and Mileage was made a special order for Friday, January 30, 1903, immediately after the introduction and first reading of bills.

THIRD READING OF BILLS.

Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education, and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 118 refused passage by the following vote:

AYES—Senators Bunkers, Byrnes, Curtin, French, Hahn, Hubbell, Leavitt, Lukens, Nelson, Plunkett, Shortridge, Smith, Ward, and Woodward—14.

NOES—Senators Belshaw, Caldwell, Coggins, Corlett, Diggs, Flint, Luchsinger, Pendleton, Ralston, Savage, and Williams—11.

NOTICE OF MOTION TO RECONSIDER.

Senator Pendleton gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 118 was this day refused passage.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That Assembly Bill No. 375 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed

with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Savage, Shortridge, Smith, Ward, Williams, Wolfe, and Woodward—27.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 375—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 375 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Savage, Shortridge, Ward, Williams, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Lukens:

WHEREAS, The 29th day of January, 1903, is the anniversary of the birth of William McKinley; be it

Resolved, That on this day we commemorate the many virtues of William McKinley that made him illustrious in war and in statesmanship matchless, and that when the Senate adjourns it do so out of respect to his memory.

Senator Lukens moved the adoption of the resolution.

GOVERNOR GEORGE C. PARDEE INVITED TO SIT WITH THE PRESIDENT OF THE SENATE.

Pending the further consideration of the resolution, Senator Bunkers moved that Governor George C. Pardee, who was present in the Senate Chamber, be invited to sit with the President of the Senate during the consideration of the resolution, and that the President appoint a committee of two Senators to escort him to the rostrum.

Motion unanimously carried.

Whereupon the President appointed Senators Bunkers and Leavitt as such committee, and the Governor was conducted to a seat at the right of the President of the Senate.

THE MOTION TO ADOPT RESOLUTION SECONDED.

The motion to adopt the resolution was seconded by Senators Hubbell, Curtin, Bunkers, and Shortridge.

On motion of Senator Lukens, Governor George C. Pardee was invited to address the Senate.

Whereupon, the Governor paid a high tribute to the memory of the martyred President, William McKinley.

RESOLUTION ADOPTED.

The question being on the adoption of the resolution, the same was unanimously adopted by a rising vote.

CONSIDERATION OF DAILY FILE—(RESUMED).

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

SENATE CONCURRENT RESOLUTION No. 9.

Relative to the recent death of Hon. F. C. Franck, of Santa Clara County.

Resolved by the Senate of the State of California, the Assembly concurring. That a joint committee consisting of three Assemblymen and three Senators be appointed by the Speaker of the Assembly and the President of the Senate to draft resolutions of respect to the memory of the late ex-Assemblyman and ex-State Senator, Hon. F. C. Franck, a representative from Santa Clara County.

Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 9 adopted by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Hubbell, Luchsinger, Lukens, Oneal, Pendleton, Plunkett, Ralston, Savage, Shortridge, Smith, Ward, Williams, Wolfe, and Woodward—24.

NOES—None.

Senate Concurrent Resolution No. 9 ordered transmitted to the Assembly.

Committee Substitute for Senate Bills Nos. 101 and 201 having been returned as amended on this day, properly printed and engrossed, on motion of Senator Leavitt, the same was taken up for immediate consideration.

Committee Substitute for Senate Bills Nos. 101 and 201—An Act to amend Sections 626, 626a, 626f, 626h of the Penal Code of the State of California, relating to the preservation of game.

Bill read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bills Nos. 101 and 201 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Savage, Shortridge, Smith, Williams, and Woodward—22.

NOES—Senator Ward—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 150—An Act to amend Sections 628, 629, 632, 635, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act.

Having been read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 150 passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Luchsinger, Lukens, Pendleton, Ralston, Savage, Shortridge, Smith, Ward, and Woodward—21.

NOES—Senators Oneal, Plunkett, and Wolfe—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 87—An Act to amend the Political Code by amending Section 2696 thereof and by adding a new section thereto, to be numbered Section 2643a, relating to roads and highways.

Bill read third time.

Senator Pendleton moved to refer to Senator Smith, as a special committee of one, to amend as follows:

By inserting after the word "widen," in line five, the word "change."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, January 29, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bill No. 87—An Act to amend the Political Code by amending Section 2696 thereof and by adding a new section thereto, to be numbered Section 2643a, relating to roads and highways—with instructions to amend, respectfully reports the same back, amended as per instructions.

SMITH, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

LEAVE OF ABSENCE.

Senator Curtin was, on his own motion, granted leave of absence until Monday, February 2, 1903.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON BANKING.

SENATE CHAMBER, SACRAMENTO, January 28, 1903.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 51—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

KNOWLAND, Chairman.

Senate Bill No. 51 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 29, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Senate Bill No. 132—An Act to add a new section to the Political Code of the State of California, to be known as Section Number 3611, relating to the general revenue of the State and to property exempt from taxation.

HUBBELL, Chairman.

Senate Bill No. 132 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, January 29, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Joint Resolution No. 4—Relative to an appropriation by Congress for the purchase of Nacimiento Ranch for a military instruction camp—and report that the same has been correctly enrolled, and presented the same to the Governor on this twenty-ninth day of January, 1903, at eleven o'clock and thirty minutes A. M.

HUBBELL, Chairman.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess until two o'clock and thirty minutes P. M. of this day.

RECONVENED.

At two o'clock and thirty minutes P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF DAILY FILE—(RESUMED)—SECOND READING OF BILLS.

Senate Bill No. 17—An Act amending the Civil Code of the State of California, by adding thereto a new section, numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation, owning any railroad in this State, of its property and franchises, or any part thereof, to any railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and describing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words, "and provided, however, corporations operating any railroad or part of a railroad under lease shall be entitled to purchase such leased property (whether competitive or otherwise), under the provisions and subject to the conditions of this Act," on lines thirty-one to thirty-five, second page, printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SENATE JOINT RESOLUTION STRICKEN FROM FILE AND REFERRED TO COMMITTEE.

On motion of Senator Hubbell, Senate Joint Resolution No. 2—Relative to Tioga road—was stricken from the file and referred to Committee on Roads and Highways.

Senate Bill No. 50—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successors or assigns of such transferee or grantee, may sell, incumber, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee, or grantee or

pledgee of such property will take, own and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court or admitted, and to provide for entry of judgment in said action upon the said undertaking.

During the second reading of bill, the following Committee Substitute for Senate Bill No. 50, previously printed, was submitted:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 50.

An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," by adding nine new sections thereto, to be numbered Sections 676, 677, 677½, 678, 678½, 679, 679½, 680, 680½, to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay or defraud creditors, so that after said undertaking is given, the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay or defraud creditors, or the successors or assigns of such transferee or grantee, may sell, incumber, transfer, convey, mortgage, pledge or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee or grantee or pledgor of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted, and to provide for entry of judgment, in said action, upon the said undertaking.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered as section six hundred and seventy-six:

676. Where an action is commenced to set aside a transfer or conveyance of property on the grounds that such transfer or conveyance was made to hinder, delay or defraud a creditor or creditors, the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay or defraud creditors or the successors or assigns of such transferee or grantee, may give an undertaking as herein provided, and when such undertaking is given as herein provided, the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay or defraud creditors, or the successors and assigns of such transferee or grantee, may sell, incumber, transfer, convey, mortgage, pledge or otherwise dispose of the property, or any part thereof, which is alleged to have been transferred or conveyed to hinder, delay or defraud creditors, so that the purchaser, incumbrancer, transferee, mortgagee, grantee or pledgor of such property, will take, own, hold and possess such property unaffected by such action and suit, or the judgment which may be rendered therein.

SEC. 2. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred and seventy-seven:

677. Such undertaking, with two sureties, shall be executed by the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay or defraud creditors, or the successor or assign of such transferee or grantee, in double the estimated value of the property so alleged to have been transferred or conveyed; provided, in no case need such undertaking be for a greater sum than double the amount of the debt or liability alleged to be due and owing to the plaintiff in such action, commenced to set aside said transfer and conveyance; and where such estimated value of the property alleged so to have been conveyed is less than the sum alleged to be due and owing to the plaintiff in the action, such estimated value shall be stated in the undertaking, and said undertaking shall be conditioned that, if it be adjudged in said action that the transfer or conveyance was made to hinder, delay or defraud a creditor or creditors, then that the transferee or grantee or the said successor or assigns of such transferee or grantee giving such undertaking, will pay to the plaintiff in said action a sum equal to the value, as the same is estimated in said undertaking, of said property, alleged to have been transferred or conveyed to hinder, delay or defraud creditors, not exceeding the sum alleged to be due and owing to the plaintiff in the action.

SEC. 3. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred and seventy-seven and one half:

677½. Said undertaking shall be filed in the action in which said execution issued and a copy thereof served upon the plaintiff or his attorney in said action.

SEC. 4. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred and seventy-eight:

678. Within ten days after service of the copy of undertaking the plaintiff may object to such undertaking on the ground of inability of the sureties, or either of them, to pay the sum for which they become bound in said undertaking, and upon the ground that the estimated value of the property therein is less than the market value of such property. Such objection to the undertaking shall be made in writing, specifying the ground or grounds of objection, and if the objection is made to the undertaking that the estimated value therein is less than the market value of the property, such objection shall specify the plaintiff's estimate of the market value of the property. Such written objection shall be served upon the said transferee or grantee, or the successor or assigns of such transferee or grantee giving such undertaking.

SEC. 5. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred and seventy-eight and one half:

678½. When the sureties or either of them, are objected to, the surety or sureties so objected to shall justify before the court in which the action is commenced, upon ten days' notice of the time when they will so justify being given to the plaintiff, or plaintiff's attorney. Upon the hearing and examination into the sufficiency of a surety, witness may be required to attend and evidence may be procured and introduced in the same manner as in trial of civil cases. Upon such hearing and examination the court shall make its order, in writing, approving or disapproving the sufficiency of the sureties or surety on such undertaking. In case the court disapproves of the surety or sureties or any undertaking, a new undertaking may be filed and served, and to any undertaking given under the provisions of this Act the same objection to the sureties may be made and the same proceedings had as in case of the first undertaking filed and served.

SEC. 6. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred and seventy-nine:

679. When objection is made to the undertaking upon the ground that the estimated value of the property, as stated in the undertaking, is less than the market value of the property, the transferee or grantee, or the successor or assigns of such transferee or grantee giving the undertaking, may accept the estimated value stated by the plaintiff in said objection, and a new undertaking may at once be filed, with the plaintiff's estimate stated therein as the estimated value, and no objection shall thereafter be made upon that ground; if the plaintiff's estimate of the market value is not accepted, the transferee or grantee, or the successor or assigns of the grantee or transferee giving such undertaking, upon ten days' notice to the plaintiff, shall move the court in which the action is pending to estimate the market value of the property, and upon the hearing of such motion, witnesses may be required to attend and testify, and evidence may be produced in the same manner as in the trial of civil actions. Upon the hearing of the motion the court shall estimate the market value of the property, and if the estimated value of the property as made by the court exceeds the estimated value as stated in the undertaking, a new undertaking shall be filed and served with the market value determined by the stated value therein as the estimated value of the property.

SEC. 7. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred and seventy-nine and one half:

679½. The sureties shall justify upon the undertaking as required by section one thousand and fifty-seven of the Code of Civil Procedure.

SEC. 8. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred and eighty:

680. The undertaking shall become effective for the purpose stated in section one of this Act, ten days after service of copy thereof on the plaintiff, unless objection to such undertaking is made as in this Act provided, and in case objection is so made to the undertaking filed and served, the same shall become effective for such purpose when an order is made by such court approving the sureties, when the surety or sureties are objected to, or affirming the estimate of the value of property when objection is made thereto, or in case any objection to the undertaking is sustained by the court when a new undertaking is filed and served as required by this Act, to which no objection is made, or if made is not sustained by the court.

SEC. 9. A new section is hereby added to the Code of Civil Procedure, to be numbered six hundred and eighty and one half:

680½. If judgment be rendered in said action that the alleged transfer or conveyance was made to hinder, delay or defraud creditors, then judgment shall be rendered in such action without further proceeding in favor of plaintiff and against the principal and sureties on said undertaking for the sum for which said undertaking was executed according to the conditions thereof.

SEC. 10. This Act shall take effect from and after its passage.

Substitute read and adopted.

Bill read second time, ordered to engrossment and third reading.

Senate Bill No. 115—An Act to provide for the compilation, printing, binding, publishing, and distribution of a legislative manual and State blue book, or roster, and repealing conflicting Acts.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "ten" before the word "thousand," and inserting the word "seven" in lieu thereof; and inserting the words "five hundred" after the word "thousand" and before the word "copies," line two.

Amendment adopted.

The following amendment was offered by Senator Leavitt:

Amend by adding to Section 1, line two, the letter "d" to the word "distribute."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 105—An Act to appropriate the sum of \$1,416.50 for the purchase of ballot paper for Secretary of State's office, to be used during the remainder of the fifty-fourth fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 67—An Act for preserving the James W. Marshall monument at Coloma, California, piping water on the grounds where located, and improving said grounds, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

Amend Section 2 so as to read:

"SEC. 2. The Board of Sutter's Fort Trustees is hereby authorized and directed to make the necessary repairs and improvements for the preservation of said monument, and the Controller of State is directed to draw his warrant for the amount herein, made payable in favor of said Board of Sutter's Fort Trustees."

Also: That the title be amended so as to read: "An Act directing the Sutter's Fort Trustees to make the necessary repairs and improvements to preserve the monument of James W. Marshall at Coloma, to pipe water on the grounds and to improve the grounds surrounding the same, and making an appropriation therefor."

Amendments adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 310—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 41—An Act appropriating the sum of \$2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

During the second reading of bill, the following committee amendment was submitted:

Amend by striking out section three.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 144—An Act to amend Sections 408, 409, 410, and 420, and to repeal Section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of Secretary of State.

During second reading of bill, the following amendment was submitted by the committee:

Amend Section four (4), line five, by inserting between the words "appoint" and "one," the words "the following executive officers and no other."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 68—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

Bill read second time, considered engrossed, and ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Luchsinger: Senate Bill No. 372—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Bill read first time, and referred to Committee on Judiciary.

By Senator French: Senate Bill No. 373—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending sections numbers 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing sections numbers 2443, 2444, 2445, 2446, and 2468, all relating to pilots, pilot commissioners, and pilotage.

Bill read first time, and referred to Committee on Commerce and Navigation.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 29, 1903.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employes who shall violate, or attempt or threaten to violate, the provisions of this Act—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass as amended.

ONEAL, Chairman.

Senate Bill No. 199 ordered on file.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Selvaige:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of J. Louis Martin, Sergeant-at-

Arms, for the sum of \$100, to be expended in the purchase of postage stamps, to be used by the Press Mailing Clerks in mailing matter for Senators.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Leavitt:

WHEREAS, The resolution providing for the purchase of Codes and Constitution of the State, specified Henning's Constitution; and

WHEREAS, Both Henning's Constitution and Treadwell's Constitution have been selected by various members of the Senate; therefore, be it

Resolved, That the said resolution be amended by adding after the word "Henning's" the words "or Treadwell's."

Resolution read and adopted.

ADJOURNMENT.

At three o'clock and ten minutes P. M., on motion of Senator Leavitt, the Senate, in accordance with resolutions adopted this morning, adjourned in commemoration of the sixty-first anniversary of the birthday of the late President William McKinley.

IN SENATE.

SENATE CHAMBER,
Friday, January 30, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, January 29, 1903, the further reading was dispensed with, on motion of Senator Selvage.

COMMUNICATIONS.

The President announced that he had received the following communications from the San Francisco Single Tax Society, and the same were ordered printed in the Journal:

To the Honorable GEORGE C. PARDEE, Governor, and to the Honorable Members of the Senate and Assembly of the State of California:

We, your petitioners, members of the San Francisco Single Tax Society, in regular session assembled, respectfully submit to you the following facts, and pray your aid in

securing such relief as is hereinafter set forth, or relief in such other manner as may lie in your power:

WHEREAS, The commerce of San Francisco is hampered by excessive charges of pilotage, dockage, tolls, and wharfage, such as to place this port at a disadvantage when compared with others on the Pacific Coast; and

WHEREAS, The farmers and miners of this State are equally interested with all others in maintaining and increasing our trade and commerce with all parts of the world; and

WHEREAS, It is desirable that San Francisco be placed as nearly as possible at equal advantage with her northern sister, Seattle, where, according to the Shipping World Year Book, "pilotage is unnecessary." * * * "There are no harbor dues and no taxes whatever";

We therefore earnestly pray that the maintenance of the ports of this State be reformed and placed upon a strictly business basis; that provision be made whereby the aforesaid charges of pilotage, dockage, tolls, and wharfage may be abolished, that California ports may no longer be at a disadvantage with others, and that it may enable San Francisco to maintain and increase her proper place as the commercial metropolis of the Pacific Coast.

W. G. LAURIE, President.

FRED ELSASSER, Secretary.

To the Honorable GEORGE C. PARDEE, Governor, and to the Senate and Assembly of the State of California:

The following resolution was unanimously adopted at the last regular meeting of the San Francisco Single Tax Society:

Resolved, That all poll taxes in this State should be abolished; and, be it

Further resolved, That a copy of this resolution be forwarded to the Governor, to the President of the Senate, and to the Speaker of the Assembly.

W. G. LAURIE, President.

FRED ELSASSER, Secretary.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 237—An Act to provide one additional Judge of the Superior Court of the County of Kern.

Also: Adopted Assembly Joint Resolution No. 7—Relative to instructing Senators Perkins and Bard to vote against Cuban reciprocity.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Assembly Bill No. 237 read first time, and referred to Committee on Judiciary.

Assembly Joint Resolution No. 7 referred to Committee on Federal Relations.

At ten o'clock and thirty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

RESOLUTIONS.

The following resolutions were offered:

By Senator Emmons:

WHEREAS, The desks of the Senate are in urgent need of repairs; and,

WHEREAS, The same can be repaired and renovated for the sum of one hundred and twenty dollars (\$120); therefore, be it

Resolved, That William H. Frasier be and is hereby appointed under the supervision of the Sergeant-at-Arms to undertake said repairs at a cost not to exceed one hundred and fifty dollars (\$150), to be paid out of the Contingent Fund of the Senate upon the warrant of the Sergeant-at-Arms.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Pendleton:

Resolved, That all bills introduced or reported, and to be reported by the Committee on Code Revision, be placed by the Secretary upon a special file to be known as the Code Revision File, which special file shall be considered at such time or times as may be hereafter determined by the Senate.

Resolution read and adopted.

LEAVE OF ABSENCE.

Senator Bauer was, on motion of Senator Emmons, granted leave of absence until Monday, February 2, 1903.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 29, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 27—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 81—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children, prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUKENS, Chairman.

Senate Bills Nos. 27 and 81 ordered on file.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 30, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 10—Approving the charter of Salinas City, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 12th day of January, 1903—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Senate Concurrent Resolution No. 10 ordered on file.

ON RULES.

SENATE CHAMBER, SACRAMENTO, January 29, 1903.

MR. PRESIDENT: Your Committee on Rules, to whom was referred the following: "On motion of Senator Lukens, the Committee on Rules was requested to submit a rule governing the substitution of Assembly bills for Senate bills on file"—have had the same under consideration, and respectfully report the same back, and recommend that Rule 25 of the Standing Rules of the Senate be amended by adding thereto the following: "*provided, however, that when an Assembly bill is received which is identical with a Senate bill which has already been considered and reported back by a committee of the Senate, such Assembly bill shall be substituted for the Senate bill (the latter being considered withdrawn) and shall take a place upon a special file, and be considered as having received the same recommendation of the Senate committee; provided, that the fact that the bills are identical shall be entered in the Journal.*"

PENDLETON, Chairman.

The question being on the adoption of the report.

The roll was called, and the report and amendment to the Standing Rules of the Senate adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Selva, Shortridge, Tyrell of San Francisco, Tyrell of Nevada, Ward, Welch, Williams, and Woodward—29.

NOES—None.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 30, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Concurrent Resolution No. 4—Approving thirteen certain amendments to the

Charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein for that purpose on the first day of December, 1902—and report that the same has been correctly enrolled, and presented the same to the Governor on this thirtieth day of January, 1903, at nine o'clock and forty-five minutes A. M.

HUBBELL, Chairman.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, January 30, 1903.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Constitutional Amendment No. 14—Relative to cities, counties, and towns—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted as amended.

Also: Constitutional Amendment No. 15—Relative to the term of any officer or commissioner—have had the same under consideration, and respectfully report the same back, and recommend that the same be adopted.

WARD, Chairman.

Constitutional Amendments Nos. 14 and 15 ordered on file.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, January 29, 1903.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 298—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402¾, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances—report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 215—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901—respectfully report the same back without recommendation.

Also: Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FRENCH, Chairman.

Senate Bills Nos. 298, 215, and 304 ordered on file.

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, January 30, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of J. Louis Martin, Sergeant-at-Arms, for the sum of \$100, to be expended in the purchase of postage stamps, to be used by the Press Mailing Clerks in mailing matter for Senators.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Diggs, Emmons, Flint, French, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Savage, Selva, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.
NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Savage: Senate Bill No. 374—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending certain sections thereof, relating to salaries and fees of township officers.

Bill read first time, and referred to Committee on County Government.

By Senator Luchsinger: Senate Bill No. 375—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Bunkers: Senate Bill No. 376—An Act regulating the use of trade-union labels upon printed matter furnished by or for the State of California.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 377—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles or jars, making it a misdemeanor, and providing penalties for the violation thereof.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Constitutional Amendment No. 17—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 23 of Article IV thereof, relative to the compensation of members of the Legislature.

Referred to Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 18—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 2 of Article IV thereof, relating to the sessions of the Legislature.

Referred to Committee on Constitutional Amendments.

Also: Senate Bill No. 378—An Act to amend Section 412 of the Penal Code, relating to prize-fights.

Bill read first time, and referred to Committee on Public Morals.

By Senator Welch: Senate Bill No. 379—An Act to appropriate money for the support of aged persons in indigent circumstances.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Devlin: Senate Bill No. 380—An Act to prevent delay in judicial proceedings.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 381—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort.

Bill read first time, and referred to Committee on Finance.

By Senator Welch: Senate Bill No. 382—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co., such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

Bill read first time, and referred to Committee on Finance.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the following report and resolutions of Committee on Contingent Expenses and Mileage, which were refused adoption on a previous day, and the vote whereby they were refused adoption being

reconsidered yesterday, and the further consideration being made a special order for this hour, the same were taken up:

Resolved, That the San Francisco Delegation be allowed a clerk at \$4 per diem.

Also:

Resolved, That Miss Kate Nealson be appointed Stenographer and Clerk for the Union Labor minority of the Senate, at a per diem of \$5.00. The Controller is directed to draw his warrant in accordance with this resolution and the Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Flint, French, Hahn, Hubbell, Leavitt, Lukens, Nelson, Pendleton, Plunkett, Ralston, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—25.

NOES—None.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Pendleton moved a reconsideration of the vote whereby Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board—was refused passage.

The roll was called, and the motion to reconsider was carried by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Emmons, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Rowell, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Welch—27.

NOES—None.

Senate Bill No. 118—An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 118 passed by the following vote:

AYES—Senators Bunkers, Coggins, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Woodward—27.

NOES—Senators Belshaw and Caldwell—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE—(RESUMED)—THIRD READING OF BILLS.

Senate Bill No. 148—An Act to amend an Act approved February 28, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for

the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 148 passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 132—An Act to add a new section to the Political Code of the State of California, to be known as Section Number 3611, relating to the general revenue of the State and to property exempt from taxation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 132 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Corlett, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At twelve o'clock and three minutes P. M., Hon. Frank W. Leavitt, Senator from the Sixteenth Senatorial District, in the chair.

Senate Bill No. 30—An Act to amend Section 1135 of the Political Code of the State of California, relating to the place for holding an election.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 30 passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 30, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 159—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same.

Senate Bill No. 260—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for non-payment of taxes.

Senate Bill No. 192—An Act authorizing the appointment of a notary public in the City and County of San Francisco, to reside and transact notarial duties at Yerba Buena

Island, or Goat Island, in the Bay of San Francisco, in addition to the number of notaries now authorized by law for said city and county.

HUBBELL, Chairman.

Senate Bill Nos. 159, 260, and 192 ordered on file.

At twelve o'clock and ten minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 159—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 159 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION FOR A RECESS LOST.

At twelve o'clock and sixteen minutes P. M., Senator Rowell moved that the Senate do now adjourn.

Motion lost.

LEAVES OF ABSENCE.

Senator Pendleton was, on his own motion, granted leave of absence until Monday, February 2, 1903.

Senator Savage was, on his own motion, granted leave of absence until Monday, February 2, 1903.

Senator Ralston was, on his own motion, granted leave of absence until Monday, February 2, 1903.

MOTION TO ADJOURN LOST.

At twelve o'clock and eighteen minutes P. M., Senator Belshaw moved that the Senate do now adjourn.

The question being on the motion to adjourn.

The roll was called, and the motion to adjourn was lost by the following vote:

AYES—Senators Belshaw, Coggins, Devlin, Diggs, Emmons, French, Knowland, Luchsinger, Selvage, Shortridge, Smith, Tyrrell of Nevada, and Welch—13.

NOES—Senators Caldwell, Flint, Hahn, Hubbell, Leavitt, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Ward, and Woodward—14.

RECESS.

At twelve o'clock and twenty-four minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess until two o'clock and thirty minutes P. M. of this day.

RECONVENED.

At two o'clock and thirty minutes P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Coggins, Devlin, Diggs, Emmons, Flint, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Rowell, Savage, Selvae, Shortridge, Smith, Ward, Welch, Williams, and Woodward—25.

LEAVES OF ABSENCE.

Senator Welch was, on his own motion, granted leave of absence until Monday, February 2, 1903.

Senator Corlett was, on motion of Senator Coggins, granted leave of absence until Monday, February 2, 1903.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 30, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 105—An Act to appropriate the sum of fourteen hundred and sixteen dollars and fifty cents (\$1416.50) for the purchase of ballot paper for Secretary of State's office, to be used during the remainder of the fifty-fourth fiscal year.

Senate Bill No. 310—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Senate Bill No. 68—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid.

Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

HUBBELL, Chairman.

Senate Bills Nos. 105, 310, 68, and 312 ordered on file.

CONSIDERATION OF DAILY FILE—(RESUMED)—THIRD READING OF BILLS.

Senate Bill No. 192—An Act authorizing the appointment of a notary public in the City and County of San Francisco, to reside and transact notarial duties at Yerba Buena Island, or Goat Island, in the Bay of San Francisco, in addition to the number of notaries now authorized by law for said city and county.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 192 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Selvae, Shortridge, Ward, Welch, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 260—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for non-payment of taxes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 260 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Diggs, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 105—An Act to appropriate the sum of \$1,416.50 for the purchase of ballot paper for Secretary of State's office, to be used during the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 105 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Diggs, Flint, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Ward, Williams, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 68—An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 68 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Diggs, Flint, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION OF BILL—(OUT OF ORDER).

The following bill was introduced:

By Senator Pendleton: Senate Bill No. 383—An Act to amend an Act entitled "An Act to create the office of Fish and Game Warden and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895.

Bill read first time, and referred to Committee on Fish and Game.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON LIBRARY.

SENATE CHAMBER, SACRAMENTO, January 28, 1903.

MR. PRESIDENT: Your Committee on Library, to whom was referred Senate Bill No. 241—An Act to amend Sections 2293 and 2298 of the Political Code, relating to the State Library—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SHORTRIDGE, Chairman.

Senate Bill No. 241 ordered on file.

CONSIDERATION OF DAILY FILE—(RESUMED)—SECOND READING OF BILLS.

Assembly Bill No. 130—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Bill read second time, and ordered on file for third reading.

SENATE CONCURRENT RESOLUTION No. 8.

Relative to the consent of the Legislature to the absence of His Excellency George C. Pardee, Governor of the State of California, from the State for more than sixty (60) days.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California has consented, and does hereby consent, that His Excellency George C. Pardee, Governor of the State of California, may absent himself from the State of California at such times as he may choose, or as necessity may require, during his official term for a period of more than sixty (60) days; *provided*, that the periods of such absence taken together do not exceed in any one calendar year a period of four (4) months.

Concurrent resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 8 adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Devlin, Diggs, Emmons, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Smith, Ward, Williams, and Woodward—25.

NOES—None.

Senate Concurrent Resolution No. 8 ordered transmitted to the Assembly.

Senate Bill No. 74—An Act to repeal an Act entitled "An Act to amend the Code of Civil Procedure," by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens, and regulating the provisions to be contained in building contracts, approved March 28, 1901.

Bill read second time, considered, engrossed, and ordered on file for third reading.

Senate Bill No. 121—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 537, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding-houses, and lodging-houses," approved March 1, 1889.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 204—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers, or warehousemen.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 200—An Act to amend Section 1379 of the Code of Civil Procedure, relating to the petition for letters testamentary and of administration, and action thereon.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 242—An Act to protect trade and commerce against unlawful restraints and monopolies.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 290—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide

for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 292—An Act in relation to municipal bonds.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 322—An Act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887.

During the second reading of bill, the following amendments were offered by Senator Shortridge:

Amend first section by changing the period after word "art" and before the word "approved," in line twelve, to a comma, and by changing the period after the word "thereof" and before the word "approved," in line twenty-three, to a comma.

Amendment adopted.

Also:

Amend title by changing the period after the word "art" and before word "approved," in line sixteen, to a comma; also by changing the period after word "thereof" and before word "approved," in line twenty-eight of the title, to a comma.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 182—An Act to amend Sections 90, 91, and 92 of the Civil Code of the State of California, relating to the dissolution of marriage and providing for the granting of divorces, and Section 281 of the Penal Code of the State of California, relating to bigamy.

Bill read second time, open to amendment, and to retain place on file.

Senate Bill No. 251—An Act to select and adopt the "Golden Poppy" as the State flower of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 34—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 36—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 95—An Act amending Section 1570 of the Penal Code of the State of California, providing for the disposition of fines and forfeitures collected by any court in the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 97—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 143—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 188—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 132—An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing an Act entitled 'An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first-named Act having been approved February 20, 1901, and adding five new sections to said Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11, and providing for making the violation of certain sections thereof a misdemeanor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 240—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners, and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which permits shall be issued.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 69—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 70—An Act making an appropriation for the purchase of law books for the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 51—An Act to repeal "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Bill read second time, considered engrossed, and ordered on file for third reading.

On motion of Senator Emmons, Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employes who shall violate or attempt or threaten to violate the provisions of this Act—was referred to Committee on Judiciary, and to retain place on file.

MOTION TO ADJOURN LOST.

At three o'clock and forty-two minutes P. M., Senator Belshaw moved that the Senate do now adjourn.

Motion lost.

ADJOURNMENT.

At three o'clock and forty-three minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned until Monday, February 2, 1903.

IN SENATE.

SENATE CHAMBER,
Monday, February 2, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, January 30, 1903, the further reading was dispensed with, on motion of Senator Selvage.

APPROVAL OF JOURNALS.

The Journals of Tuesday, January 27th, and Wednesday, January 28, 1903, having been corrected, were read and approved.

LEAVES OF ABSENCE.

Senator Pendleton was, on motion of Senator Welch, granted leave of absence for the day.

Senator Wolfe was, on motion of Senator Belshaw, granted leave of absence for the day.

Senator Corlett was, on motion of Senator Coggins, granted leave of absence for the day.

RESOLUTION.

The following resolution was offered:

By Senator Muentner:

Resolved, That the members of the special committee of three on Hospitals and Asylums, two from the Committee on Prisons and Reformatories, three from the Committee on Finance, two from the Committee on Health and Quarantine, and two unattached, ordered to visit and inquire into the needs of the several institutions located in Southern California and the State Normal School in San Francisco, be reimbursed for the actual traveling expenses to the amount of \$932.45, and that the Controller of State be directed to draw his warrant for the said amount in favor of the Sergeant-at-Arms of the Senate, and that the same be charged to the Contingent Fund of the Senate, and the State Treasurer is hereby directed to pay said warrant.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 30, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Committee Substitute for Senate Bill No. 50—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," by adding nine new sections thereto, to be

numbered Sections 676, 677, 677½, 678, 678½, 679, 679½, 680, 680½, to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay or defraud creditors, so that after said undertaking is given, the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay or defraud creditors, or the successors or assigns of such transferee or grantee, may sell, incur, transfer, convey, mortgage, pledge or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee or grantee or pledgee of such property will take, own and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted, and to provide for entry of judgment, in said action, upon the said undertaking.

Committee Substitute for Senate Bill No. 87—An Act to amend the Political Code, by amending Section 2696 thereof, and by adding a new section thereto, to be numbered Section 2643a, relating to roads and highways.

Senate Bill No. 17—An Act amending the Civil Code of the State of California, by adding thereto a new section, numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation, owning any railroad in this State, of its property and franchises, or any part thereof, to any railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and describing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Senate Bill No. 115—An Act to provide for the compilation, printing, binding, publishing, and distribution of a legislative manual and State blue book, or roster, and repealing conflicting Acts.

Senate Bill No. 67—An Act directing the Sutter's Fort Trustees to make the necessary repairs and improvements to preserve the monument of James W. Marshall at Coloma, to pipe water on the grounds, and to improve the grounds surrounding the same, and making an appropriation therefor.

Senate Bill No. 41—An Act appropriating the sum of \$2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Senate Bill No. 144—An Act to amend Sections 408, 409, 410, and 420, and to repeal Section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of Secretary of State.

Senate Bill No. 55—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State prisons at San Quentin and at Folsom.

Senate Bill No. 74—An Act to repeal an Act entitled "An Act to amend the Code of Civil Procedure, by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens, and regulating the provisions to be contained in building contracts," approved March 28, 1901.

Senate Bill No. 121—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 537, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding-houses, and lodging-houses," approved March 1, 1889.

Senate Bill No. 204—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers, or warehousemen.

Senate Bill No. 200—An Act to amend Section 1379 of the Code of Civil Procedure, relating to the petition for letters testamentary and of administration, and action thereon.

Senate Bill No. 242—An Act to protect trade and commerce against unlawful restraints and monopolies.

Senate Bill No. 290—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel.

Senate Bill No. 292—An Act in relation to municipal bonds.

Senate Bill No. 251—An Act to select and adopt the "Golden Poppy" as the State flower of California.

Senate Bill No. 34—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Senate Bill No. 36—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Senate Bill No. 95—An Act amending Section 1570 of the Penal Code of the State of California, providing for the disposition of fines and forfeitures collected by any court in the State of California.

Senate Bill No. 97—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Senate Bill No. 188—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Senate Bill No. 240—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco, by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners, and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued.

Senate Bill No. 69—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Senate Bill No. 70—An Act making an appropriation for the purchase of law books for the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Senate Bill No. 51—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

HUBBELL, Chairman.

Senate Bills Nos. 74, 121, 204, 200, 242, 290, 292, 251, 34, 36, 95, 97, 188, 240, 69, 70, 51, 17, 115, 67, 41, 144, 55; also, Committee Substitute for Senate Bill No. 50, and Committee Substitute for Senate Bill No. 87, ordered on file.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 2, 1903.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 92—An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, and by adding thereto four new sections, numbered 18, 19, 20, and 21, all relating to the sanitary condition of barber shops and barber schools, and the regulation thereof.

Also: Senate Bill No. 116—An Act to amend Section 11 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the annual renewal of the card or insignia of said board.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 314—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employes.

Also: Assembly Bill No. 115—An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing penalties therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FRENCH, Chairman.

Senate Bills Nos. 92, 116, and 314, and Assembly Bill No. 115 ordered on file.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, January 30, 1903.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 7—Relative to instructing Senators Perkins and Bard to vote against Cuban reciprocity.

Also: Senate Joint Resolution No. 6—Instructing our Senators in Congress to vote against the ratification of the proposed treaty with Cuba, reducing the duty upon sugar and upon other products of the State of California.

Also: Senate Joint Resolution No. 5—Relative to Venezuelan affairs.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

HAHN, Chairman.

Assembly Joint Resolution No. 7, and Senate Joint Resolutions Nos. 6 and 5, ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 30, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 343—An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUKENS, Chairman.

Senate Bill No. 343 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Sanford: Senate Bill No. 384—An Act to amend the Penal Code of California, by adding a new section thereto, to be numbered 537½, relating to defrauding the proprietors or managers of livery or feed stables kept for profit.

Bill read first time, and referred to Committee on Judiciary.

By Senator Muentert: Senate Bill No. 385—An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Welch: Senate Bill No. 386—An Act to amend Section 1791 of the Political Code of the State of California, relating to city, and city and county boards of examination.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 387—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

Bill read first time, and referred to Committee on Education.

By Senator Tyrrell of San Francisco: Senate Bill No. 388—An Act to amend Sections 1, 4, and 8 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," which Act became a law under constitutional provision, without the Governor's approval, February 27, 1901.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Devlin: Senate Bill No. 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Luchsinger: Senate Bill No. 390—An Act to amend Section 1307 of the Civil Code, relating to wills.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lukens: Senate Bill No. 391—An Act to add a new section to the Political Code, to be numbered 1003a, relating to vacancies in office.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 392—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new

section thereto, to be numbered Section 2643, relating to the joinder of parties in an action for the recovery of double insurance.

Bill read first time, and referred to Committee on Judiciary.

By Senator Shortridge: Senate Bill No. 393—An Act to appropriate \$5,000 to be expended by the Regents of the University of California in the employment of a plant pathologist, to study the nature, control, and cure of asparagus rust, and in conducting experiments under the direction of such pathologist.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Oneal: Senate Bill No. 394—An Act making an appropriation for the support of ex-army nurses, and indigent widows, wives, mothers, and dependent daughters and sisters of Union Veterans who served honorably during the Civil War, at the Woman's Relief Corps Home, at Evergreen, Santa Clara County, California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 395—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

Bill read first time, and referred to Committee on Finance.

By Senator Coggins: Senate Bill No. 396—An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal School Trustees.

Bill read first time, and referred to Committee on Education.

By Senator Devlin: Senate Bill No. 397—An Act to appropriate the sum of \$257.05 to pay the claim of Dr. C. H. Blemmer for money due and owing the said Dr. C. H. Blemmer from the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Smith: Senate Bill No. 398—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, by adding a new section thereto, to be numbered Section 11½, relating to the winding up the affairs of an insolvent banking corporation and the appointment of receivers.

Bill read first time, and referred to Committee on Banking.

By Senator Hahn: Senate Joint Resolution No. 7—Relative to memorializing our Senators and Representatives in Congress to support a resolution introduced in the House of Representatives by Hon. A. C. Dayton, of West Virginia, opening the way for a rapid increase of the United States Navy.

Read, and referred to Committee on Federal Relations.

CONSIDERATION OF SPECIAL ORDER.

The hour for the consideration of special order heretofore set, being the consideration of Senate Joint Resolution No. 6—Instructing our Senators in Congress to vote against the ratification of the proposed treaty with Cuba, reducing the duty upon sugar and upon other products of the State of California—having arrived, the same was taken up for consideration, on motion of Senator Devlin.

Assembly Joint Resolution No. 7—Relative to instructing Senators Perkins and Bard to vote against Cuban reciprocity—being identical, was substituted on file for Senate Joint Resolution No. 6, and, on motion of Senator Leavitt, its further consideration was temporarily postponed.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 15—An Act to create and establish two new reclamation districts of this State, to be known, respectively, as Union Island Reclamation District No. 1, and Union Island Reclamation District No. 2, embracing within their respective territorial limits a portion of Union Island, in San Joaquin County; to define the boundaries of such districts, and provide for the organization and government thereof, and to dissolve all other reclamation districts in conflict therewith.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 15 passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Ralston, Sanford, Savage, Selvaige, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILLS.

Senator Shortridge moved to take up for consideration Assembly Bill No. 322.

Motion carried.

Assembly Bill No. 322—An Act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State suitable for the purposes herein designated,

and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 322 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Ward moved that Assembly Bill No. 130 be taken up for consideration.

Motion carried.

Assembly Bill No. 130—An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 130 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Flint moved to take up Assembly Bill No. 143 for further consideration.

Motion carried.

Assembly Bill No. 143—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Read third time.

On motion of Senator Hubbell, further consideration of Assembly Bill No. 143 was postponed until a later day.

Senator Ward moved to take up for consideration Assembly Bill No. 132.

Motion carried.

Assembly Bill No. 132—An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first-named Act having been approved February 20, 1901, and adding five new sections to said

Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11, and providing for making the violation of certain sections thereof a misdemeanor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 132 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Oneal, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—28.

NOES—Senator Bunkers—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 115—An Act to provide for the compilation, printing, binding, publishing, and distribution of a legislative manual and State blue book, or roster, and repealing conflicting Acts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 115 passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Committee Substitute for Senate Bills Nos. 101 and 201—An Act to amend Sections 626, 626a, 626f, 626h of the Penal Code of the State of California, all relating to the protection and preservation of game.

Also: Assembly Bill No. 168—An Act to amend Section 3492 of the Political Code of the State of California, relating to the organization of reclamation districts.

Also: Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Also: Assembly Bill No. 186—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof.

Also: Assembly Bill No. 58—An Act to validate the organization and incorporation of municipal corporations of the sixth class.

Also: Adopted Assembly Joint Resolution No. 4—Relative to about seven million acres of public land in this State withdrawn from public entry by the Commissioner of the General Land Office as proposed forest reserve, and requesting investigation before making said reserves permanent.

Also: Senate Concurrent Resolution No. 9—Relative to the recent death of the Hon. F. C. Franck, of Santa Clara County—and the Speaker appointed Assemblymen Walker, Ells, and Dougherty as the committee from the Assembly, in accordance with the terms thereof.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Committee Substitute for Senate Bills Nos. 101 and 201 ordered to enrollment.

Assembly Bill No. 168 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 123 read first time, and referred to Committee on Education.

Assembly Bill No. 186 read first time, and referred to Committee on Irrigation.

Assembly Bill No. 58 read first time, and referred to Committee on Municipal Corporations.

'Assembly Joint Resolution No. 4 referred to Committee on Federal Relations.

Senate Concurrent Resolution No. 9 ordered to enrollment.

APPOINTMENT OF SPECIAL COMMITTEE.

The President pro tem., in compliance with Senate Concurrent Resolution No. 9—Relative to the recent death of Hon. F. C. Franck, of Santa Clara County—appointed Senators Shortridge, Devlin, and Emmons as such committee, to act with like committee already appointed by the Assembly.

PETITIONS.

The following petitions were presented by Senator Shortridge, and ordered printed in the Journal down to, and including, the sixth name:

SANTA CLARA COUNTY, January 20, 1903.

To the Honorable the Senate and Assembly of the State of California, in Legislature convened:

The undersigned growers and packers of asparagus respectfully represent that this and neighboring counties are becoming infested with the "asparagus rust," which is caused by the attack of a fungus. As there are 10,000 acres of this vegetable in bearing, representing over three millions of dollars in value, it is important that something be done quickly for the control of this dreaded parasite, which threatens to exterminate the industry. We therefore request your honorable body to pass a bill appropriating \$2,500 a year for two years to the Board of Regents of the State University for the support of a Department of Plant Pathology for the thorough investigation of this difficulty.

(Signed:) California Fruit Canners' Association, per J. W. Nelson; Andrea Malovos Company, Marcus F. Malovos, secretary and treasurer; Wm. Boots, Jr., R. S. Barber, Geo. H. Murphy, and D. Kirkpatrick.

Also:

SAN FRANCISCO, CALIFORNIA, January 20, 1903.

To the Honorable the Senate and Assembly of the State of California, in Legislature convened:

The undersigned dealers, growers, and packers of asparagus respectfully represent that this and neighboring counties are becoming infested with the "asparagus rust," which is caused by the attack of a fungus. As there are 10,000 acres of this vegetable in bearing, representing over three millions of dollars in value, it is important that something be done quickly for the control of this dreaded parasite, which threatens to exterminate the industry. We therefore request your honorable body to pass a bill appropriating \$2,500 a year for two years to the Board of Regents of the State University for the support of a Department of Plant Pathology for the thorough investigation of this difficulty.

(Signed:) California Fruit Canners' Association, Trobeck & Bergen, M. Ehrman & Co., Wm. Cluff Co., Wellman, Peck & Co., Fred L. Cottle.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 67—An Act for preserving the James W. Marshall monument at Coloma, California, piping water on the grounds where

located, and improving said grounds, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 67 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Knowland, Lardner, Luchsinger, Nelson, Oneal, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 310—An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 310 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 41—An Act appropriating the sum of \$2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 41 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Ralston, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 144—An Act to amend Sections 408, 409, 410, and 420, and to repeal Section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of Secretary of State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 144 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Diggs, Emmons, Flint, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 55—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State prisons at San Quentin and at Folsom.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 55 passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Devlin, Diggs, Flint, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Savage, Selvage, Shortridge, Tyrrell of Nevada, Ward, Williams, and Woodward—22.

NOES—Senators Bauer, Bunkers, Emmons, French, Sanford, and Tyrrell of San Francisco—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 121—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 537, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding-houses, and lodging-houses," approved March 1, 1889.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 121 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Devlin, Diggs, Emmons, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 200—An Act to amend Section 1379 of the Code of Civil Procedure, relating to the petition for letters testamentary and of administration, and action thereon.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 200 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Muentzer, Nelson, Ralston, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 242—An Act to protect trade and commerce against unlawful restraints and monopolies.

Bill read third time, and, on motion of Senator Hahn, was re-referred to Committee on Judiciary.

Senate Bill No. 204—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers, or warehousemen.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 204 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Devlin, Diggs, Emmons, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Nelson, Oneal, Sanford, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—22.

NOES—Senators Belshaw, Coggins, Ralston, and Savage—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 251—An Act to select and adopt the "Golden Poppy" as the State flower of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 251 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Lukens, Nelson, Oneal, Ralston, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—28.

NOES—Senator Smith—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock p. m. of this day.

RECONVENED.

At two o'clock p. m. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—34.

Quorum present.

RESOLUTION—(OUT OF ORDER).

The following resolution, out of order, was offered:

By Senator Ward:

Resolved, That the position of Watchman, now held by C. H. Stewart, is hereby declared vacant, and the said C. H. Stewart be and is hereby elected to the position of Assistant Sergeant-at-Arms of the Senate at a per diem of \$5.00, and the Controller of State is hereby authorized and directed to draw his warrant in favor of said C. H. Stewart from this date, for the said \$5.00 per diem, and to issue no further warrant from this date in favor of C. H. Stewart as Watchman; also, be it

Further resolved, That the position of Gatekeeper, now held by John Falkenstein, is hereby declared vacant, and the said John Falkenstein be and he is hereby elected to the position of Committee Sergeant-at-Arms of the Senate at a per diem of \$4.00, and the Controller of State is hereby authorized and directed to draw his warrant in favor of said John Falkenstein from this date, for the said \$4.00 per diem, and to issue no further warrant from this date in favor of John Falkenstein as Gatekeeper; also, be it

Further resolved, That the position of Doorkeeper of the Senate, now held by D. R. McDonald, be and the same is hereby declared vacant, and the Controller is hereby directed not to issue any warrant in favor of said D. R. McDonald from this date.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Nelson, Ralston, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—24.

NOES—None.

CONSIDERATION OF DAILY FILE—(RESUMED)—THIRD READING OF BILLS.

Senate Bill No. 97—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 97 passed by the following vote:

AYES—Senators Belshaw, Coggins, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Plunkett, Ralston, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—25.

NOES—Senators Caldwell, Emmons, and Shortridge—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 95—An Act amending Section 1570 of the Penal Code of the State of California, providing for the disposition of fines and forfeitures collected by any court in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 95 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Plunkett, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

At two o'clock and thirty minutes P. M. Senator Devlin moved that the Senate proceed to the consideration of Assembly Joint Resolution No. 7—Relative to instructing Senators Perkins and Bard to vote against Cuban reciprocity—previously substituted for Senate Joint Resolution No. 6, heretofore this day temporarily postponed.

Motion carried.

Resolution read.

Pending a vote on the joint resolution, Senator Lukens moved its further consideration be made a special order for to-morrow at two o'clock P. M.

The roll was called, and the motion lost by the following vote:

AYES—Senators Coggins, Emmons, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Ralston, Rowell, Sanford, Selvage, Tyrrell of San Francisco, and Woodward—17.

NOES—Senators Bauer, Belshaw, Bunkers, Caldwell, Curtin, Devlin, Diggs, Flint, French, Hubbell, Oneal, Savage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, and Williams—18.

Senator Lukens moved to amend Assembly Joint Resolution No. 7 as follows:

AMENDMENT No. 1.

On page one, line one of the second whereas, strike out the words "arrangement with Cuba or any other foreign country is," and insert in lieu thereof the following: "arrangements are."

AMENDMENT No. 2.

On page one, line two, after the word "Cuba," insert the following: "with France and with England."

AMENDMENT No. 3.

On page one, line two, strike out the words "a treaty," and insert in lieu thereof the word "treaties."

AMENDMENT No. 4.

On page two, line two, strike out the word "treaty," and insert in lieu thereof the word "treaties."

Amendments read.

Senator Lukens moved the adoption of Amendment No. 1.

POINT OF ORDER.

Senator Devlin made the point of order that the proposed amendments were not germane to the resolution under consideration.

The President pro tem. declared the point of order well taken, and thereupon ruled the further consideration of the amendments offered out of order.

The President pro tem. directed the Secretary to call the roll on the adoption of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Devlin moved a call of the Senate.

The ayes and noes were demanded by Senators Caldwell, Devlin, and Oneal.

The roll was called, and motion carried by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Devlin, Diggs, Flint, French, Hubbell, Nelson, Oneal, Savage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—19.

NOES—Senators Coggins, Curtin, Emmons, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Selvage, and Tyrrell of San Francisco—16.

Time, four o'clock and fifty minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—35.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At five o'clock P. M., Senator Leavitt moved that further proceedings under call of the Senate be dispensed with.

Motion lost.

At five o'clock and seven minutes P. M., Senator Lukens moved that further proceedings under the call of the Senate be dispensed with.

The roll call was demanded by Senators Leavitt, Knowland, and Lukens.

The roll was called, and the motion lost by the following vote:

AYES—Senators Coggins, Curtin, Emmons, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Selvage, Tyrrell of San Francisco, and Woodward—17.

NOES—Senators Bauer, Belshaw, Bunkers, Caldwell, Devlin, Diggs, Flint, French, Hubbell, Nelson, Oneal, Savage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, and Williams—18.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and thirteen minutes P. M., Senator Devlin moved that further proceedings under call of the Senate be dispensed with.

Motion carried.

Whereupon the President pro tem. directed the Sergeant-at-Arms to open the doors.

The President pro tem. then announced the vote on the adoption of Assembly Joint Resolution No. 7, and announced that the same had been refused adoption by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Diggs, Flint, French, Nelson, Oneal, Savage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—17.

NOES—Senators Coggins, Curtin, Devlin, Emmons, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentzer, Ralston, Rowell, Sanford, Selvage, and Tyrrell of San Francisco—18.

NOTICE OF MOTION TO RECONSIDER.

Senator Hubbell gave notice that on to-morrow he would move a reconsideration of the vote whereby Assembly Joint Resolution No. 7 was this day refused adoption.

INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced:

By Senator Devlin: Senate Bill No. 399—An Act making an additional appropriation for the uses and purposes set out in an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899, and the several Acts amendatory of and supplemental thereto.

Bill read first time, and referred to Committee on Finance.

By Senator Welch: Senate Bill No. 400—An Act to amend Section 90 of the Civil Code of the State of California, relating to dissolution of marriage.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 401—An Act to amend Section 94 of the Civil Code of the State of California, defining extreme cruelty.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 402—An Act to amend Section 446 of the Code of Civil Procedure of the State of California, relating to the verification of pleadings in civil actions.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 403—An Act to amend Section 470 of the Political Code of the State of California, defining the duties of the Attorney-General.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 404—An Act to amend Section 4256 of the Political Code of the State of California, defining the duties of the District Attorney.

Bill read first time, and referred to Committee on Judiciary.

By Senator Smith: Senate Bill No. 405—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of

such franchises by legislative or other governing bodies, and repealing conflicting Acts," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 11, 1901.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 625a, relating to unlawful interferences with public fire-alarms.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Bauer: Senate Bill No. 407—An Act making an appropriation of \$22,000 for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Bill read first time, and referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 30, 1903.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 186—An Act appropriating money for the painting and repairing of the interior of the buildings of the State Normal School at San José.

Also: Senate Bill No. 331—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Also: Senate Bill No. 187—An Act appropriating money for the building, furnishing, and equipping of a gymnasium at the State Normal School at San José.

Also: Senate Bill No. 332—An Act making an appropriation for the California Polytechnic School.

Also: Senate Bill No. 20—An Act to appropriate \$25,000 for the establishment and support of a School of Forestry in the University of California, and providing for the payment of such appropriation.

Also: Senate Bill No. 244—An Act to appropriate \$25,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to purchase and install therein two passenger elevators; to make necessary repairs and improvements in the building of said State Normal School; to improve the grounds of said State Normal School.

Also: Senate Bill No. 185—An Act appropriating money for the building of a library and six additional class-rooms, and for the furniture, equipments, heating and ventilating apparatus for the same, for the State Normal School at San José.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 47—An Act to establish the California State Dairy School and Experiment Farm, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 29—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

Also: Senate Bill No. 258—An Act making an appropriation of \$250,000 for the construction of a building to be erected by the Regents of the University of California in Alameda County on the grounds of the University for the accommodation of the students of the University, also providing for the time of payment thereof and prescribing the duties of the Controller and the Treasurer in relation thereto.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 155—An Act to amend Section 1489 of the Political Code, relating to the powers and duties of Boards of Trustees of the Normal Schools in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 10—An Act to provide free school text-books for the pupils of the common schools of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

ROWELL, Chairman.

Senate Bills Nos. 186, 331, 187, 332, 20, 244, 185, 47, 29, and 258 referred to Committee on Finance.

Senate Bills Nos. 155 and 10 ordered on file.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 2, 1903.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 170—An Act to prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses for the purpose of gambling, playing cards, billiards, pool, or any game of chance—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHN G. TYRRELL, Chairman.

Senate Bill No. 170 ordered on file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Bunkers:

Resolved, That the compensation of Kate Nealon, Clerk and Stenographer to the Union Labor minority of the Senate, commence and run from January 15, 1903; and the Controller of State is hereby authorized and directed to draw his warrant in favor of said Kate Nealon for such compensation, at the rate of \$5.00 per day, from January 15, 1903, to January 30, 1903, both inclusive; and the State Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

ADJOURNMENT.

At five o'clock and thirty-five minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 3, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—39.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 2, 1903, the further reading was dispensed with, on motion of Senator Selvage.

APPROVAL OF JOURNAL.

The Journal of Thursday, January 29, 1903, having been previously corrected, was read and approved.

PETITION.

The following petition was presented by Senator Luchsinger, and the same was ordered printed in the Journal:

SAN FRANCISCO, January 30, 1903.

To the Honorable Senate and Assembly of the State of California:

GENTLEMEN: The Manufacturers and Producers' Association of California, organized in March, 1895, and composed of producers and manufacturers throughout the State, and having for its purpose the encouragement of the manufacture, production, distribution, and consumption of California products of all kinds, in accordance with the unanimous action of its Board of Directors on this date, respectfully but most earnestly petitions the enactment by your honorable bodies of "An Act for the promotion of the viticultural interests of the State, and making an appropriation therefor," now pending before you, to the end that the viticultural industry of the State, the welfare of which is of such vital consequence to all our people, shall be fostered and protected through the scientific experimental and research work provided for by said bill.

We respectfully represent to your honorable bodies that the most urgent necessity exists for the enactment of this measure. The time has arrived in the history of this industry when the State of California can no longer delay placing in the hands of its highest scientific authorities the study of viticulture and experimental work therein in all its aspects, which are imperatively demanded in the interests of this great source of wealth to the State.

Respectfully,

MANUFACTURERS AND PRODUCERS' ASSOCIATION OF CALIFORNIA.

A. SEABORO, President.

CHARLES E. BANCROFT, Secretary.

[SEAL.]

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 2, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 47—An Act to appropriate \$8,000 for the extension of the laundry building and purchase of additional machinery therefor, for the purchase and erection of new boilers, for the construction of a reservoir and pipe-line for domestic water supply, for the Southern California State Hospital.

Also: Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

Also: Assembly Bill No. 484—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 201½, relating to the employment of special counsel.

Also: Assembly Bill No. 236—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Also: Assembly Bill No. 483—An Act to appropriate the sum of \$1,200 to pay for repairs to Capitol building and furniture, to be used during remainder of the fifty-fourth fiscal year.

Also: Assembly Bill No. 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

CLIO LLOYD, Chief Clerk.

By J. F. GREELEY, Assistant.

Assembly Bill No. 47 read first time, and referred to Committee on Finance.

Assembly Bill No. 43 read first time, and referred to Committee on Finance.

Assembly Bill No. 484 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 236 read first time, and referred to Committee on Finance.

Assembly Bill No. 483 read first time, and referred to Committee on Finance.

Assembly Bill No. 102 read first time, and referred to Committee on County Government.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 2, 1903. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 248—An Act making an appropriation for the contingent expenses of the Senate.

GEO. C. PARDEE,
Governor of the State of California.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 3, 1903.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 9—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.

Also: Senate Bill No. 80—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 19—An Act directing the State Board of Harbor Commissioners to construct a certain portion of the harbor embankment, or seawall, of the port of San Francisco.

Also: Senate Bill No. 189—An Act making appropriation of the sum of \$10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco.

Also: Senate Bill No. 146—An Act to provide for the protection of the banks of Eel River against winter floods, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to Committee on Finance.

WELCH, Chairman.

Senate Bills Nos. 9 and 80 ordered on file.

Senate Bills Nos. 19, 189, and 146 referred to Committee on Finance.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 3, 1903.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 250—An Act to amend Section 1366 of the Political Code, relating to primary elections—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

BELSHAW, Chairman.

Senate Bill No. 250 ordered on file.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Committee on Code Revision: Senate Bill No. 408—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Bill read first time, and ordered on file for second reading.

Also: Senate Bill No. 409—An Act to amend Section 408 of the Code of Civil Procedure, relating to the summons in civil cases.

Bill read first time, and ordered on file for second reading.

Also: Senate Bill No. 410—An Act to amend Section 409 of the Code of Civil Procedure, relating to notice of the pendency of civil actions.

Bill read first time, and ordered on file for second reading.

Also: Senate Bill No. 411—An Act to amend Sections 410, 412, 413, and 415 of the Code of Civil Procedure, all relating to the service of summons in civil actions.

Bill read first time, and ordered on file for second reading.

Also: Senate Bill No. 412—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, 459, 472, and 476, and to repeal Section 432 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Bill read first time, and ordered on file for second reading.

Also: Senate Bill No. 413—An Act to add two new sections to the Code of Civil Procedure, relating to actions for libel and slander, to be numbered 417 and 418.

Bill read first time, and ordered on file for second reading.

Also: Senate Bill No. 414—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Bill read first time, and ordered on file for second reading.

Also: Senate Bill No. 415—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Bill read first time, and ordered on file for second reading.

Also: Senate Bill No. 416—An Act to amend Sections 538, 539, 542, 553, 554, 555, and 558 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgment.

Bill read first time, and ordered on file for second reading.

Also: Senate Bill No. 417—An Act to amend Sections 566, 567, and 569 of the Code of Civil Procedure, all relating to receivers.

Bill read first time, and ordered on file for second reading.

Also: Senate Bill No. 418—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

Bill read first time, and ordered on file for second reading.

Also: Senate Bill No. 419—An Act to establish the fees which shall be charged by Sheriffs for keeping and caring for property under attachment or execution.

Bill read first time, and ordered on file for second reading.

MOTION.

Senator Leavitt moved that the bills on Code Revision be passed on file until called up by the chairman of the Committee on Code Revision.

Motion carried.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 115—An Act defining the duties and liabilities of employment agents.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILLS.

Senate Bill No. 87—An Act to amend the Political Code, by amending Section 2696 thereof and by adding a new section thereto, to be numbered Section 2643a, relating to roads and highways.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 87 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Greenwell, Hahn, Hubbell, Knowland, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among steam engineers in the State of California.

On motion of Senator French, bill was re-referred to Committee on Labor and Capital, to be again restored to second-reading file for the purpose of further amendment.

MOTION TO RECONSIDER.

Senator Hubbell moved, in compliance with his notice given on yesterday, that the vote whereby Assembly Joint Resolution No. 7—Instructing our Senators in Congress to vote against the ratification of the proposed treaty with Cuba, reducing the duty upon sugar and upon other products of the State of California—was on a previous day refused adoption, be reconsidered.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Corlett, Devlin, Diggs, Flint, French, Hubbell, Nelson, Oneal, Pendleton, Plunkett, Savage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—23.

NOES—Senators Coggins, Curtin, Emmons, Greenwell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Ralston, Rowell, Sanford, Selva, Tyrrell of San Francisco, and Woodward—15.

Assembly Joint Resolution No. 7—Instructing our Senators in Congress to vote against the ratification of the proposed treaty with Cuba, reducing the duty upon sugar and upon other products of the State of California.

Senator Leavitt moved to amend as follows:

In the resolution, strike out the word "instruct," and insert in lieu thereof the word "request."

The question being on the adoption of the amendment.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Byrnes, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Williams, and Woodward—21.

NOES—Senators Bauer, Belshaw, Bunkers, Caldwell, Corlett, Devlin, Flint, Hubbell, Nelson, Oneal, Pendleton, Savage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, and Wolfe—18.

Assembly Joint Resolution No. 7 ordered to print.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Muentner:

Resolved, That George H. Carter and E. O. Clayton be and they are hereby appointed to the positions of Assistant Engrossing and Enrolling Clerks at the per diem of five dollars (\$5.00) each, as provided by statute.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—34.

NOES—None.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 50—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successors or assigns of such transferee, grantee may sell, incumber, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee, or grantee, or pledger of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties of such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted, and to provide for entry of judgment in said action upon the said undertaking.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 50 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 74—An Act to repeal an Act entitled "An Act to amend the Code of Civil Procedure," by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens and regulating the provisions to be contained in building contracts, approved March 28, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 74 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, Wolfe, and Woodward—33.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 290—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel.

Read third time.

Senator Oneal moved to refer to Senator Shortridge, as a special committee of one, to amend as follows:

On page one, section one, line nine, strike out the words: "The treasurer shall fix the compensation of," and on page one, section one, line ten, strike out the words "or attorneys, provided that such compensation"; and on page one in the title, after the figures "1893," insert the following: "and all Acts amendatory thereof"; and on page one, section one, at the end of line ten, after word "paid," insert the following: "for his services."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 3, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 290, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHORTRIDGE, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print, re-engrossment, and on file for passage.

Senate Bill No. 292—An Act in relation to municipal bonds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 292 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Lukens, Muentner, Pendleton, Ralston, Sanford, Savage, Selva, Smith, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—29.
 NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on to-morrow he would move a reconsideration of the vote whereby Senate Bill No. 292 was this day passed.

Senate Bill No. 34—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Read third time.

Pending the roll call on passage of bill, Senator Leavitt moved that further consideration of bill be postponed until to-morrow.

Motion carried.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF DAILY FILE—(RESUMED)—THIRD READING OF BILLS.

Senate Bill No. 188—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 188 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Greenwell, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Sanford, Savage, Selva, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 240—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco, by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners, and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which permits shall be issued.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 240 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Greenwell, Hahn, Hubbell, Lardner, Luchsinger, Lukens, Pendleton, Sanford, Savage, Selva, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 69—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 69 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger,

Lukens, Nelson, Oneal, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—30.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 70—An Act making an appropriation for the purchase of law books for the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 70 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, French, Greenwell, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—30.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS.

Senate Bill No. 84—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals.

Passed on file, and, on motion of Senator Woodward, is to retain its place on file.

Senate Bill No. 58—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution, to provide for the examination and determination of the sufficiency of the sureties on such undertaking, to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking, in case any objection made is sustained by the court or admitted.

During the second reading of bill, the following committee substitute, having been previously printed, was submitted:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 58.

AN Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," by adding eight sections thereto, to be numbered 710, 710½, 711, 711½, 712, 712½, 713, and 713½, relating to giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking, in case any objection made is sustained by the court or admitted.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Code of Civil Procedure, to be numbered section seven hundred and ten, and to read as follows:

710. Where property levied upon under execution to satisfy a judgment for the payment of money is claimed, in whole or in part, by a person, corporation, partnership or association, other than the judgment debtor, such claimant may give an undertaking as

herein provided, which undertaking shall release the property in the undertaking described from the lien and levy of such execution.

SEC. 2. A new section is hereby added to the Code of Civil Procedure, to be numbered section seven hundred and ten and one half, and to read as follows:

710½. Such undertaking, with two sureties, shall be executed by the person, corporation, partnership or association, claiming in whole or in part, the property upon which execution is levied in double the estimated value of the property claimed by the person, corporation, partnership or association; *provided*, in no case need such undertaking be for a greater sum than double the amount for which the execution is levied; and where the estimated value of the property so claimed by the person, corporation, partnership or association is less than the sum for which such attachment is levied, such estimated value shall be stated in the undertaking, and said undertaking shall be conditioned that if the property claimed by the person, corporation, partnership or association is finally adjudged to be the property of the judgment debtor, said person, corporation, partnership or association will pay of said judgment upon which execution has issued a sum equal to the value, as estimated in said undertaking, of said property claimed by said person, corporation, partnership or association, and said property claimed shall be described in said undertaking.

SEC. 3. A new section is hereby added to the Code of Civil Procedure, to be numbered section seven hundred and eleven, and to read as follows:

711. Said undertaking shall be filed in the action in which said execution issued, and a copy thereof served upon the judgment creditor or his attorney in said action.

SEC. 4. A new section is hereby added to the Code of Civil Procedure, to be numbered section seven hundred and eleven and one half, and to read as follows:

711½. Within ten days after the service of the copy of undertaking, the judgment creditor may object to such undertaking on the ground of inability of the sureties or either of them, to pay the sum for which they become bound in said undertaking, and upon the ground that the estimated value of property therein is less than the market value of the property claimed. Such objection to the undertaking shall be made in writing, specifying the ground or grounds of objection, and if the objection is made to the undertaking that the estimated value therein is less than the market value of the property claimed, such objections shall specify the judgment creditor's estimate of the market value of the property claimed. Such written objection shall be served upon the person, partnership, corporation or association giving such undertaking and claiming the property therein described.

SEC. 5. A new section is hereby added to the Code of Civil Procedure, to be numbered section seven hundred and twelve, and to read as follows:

712. When the sureties, or either of them, are objected to, the surety or sureties so objected to shall justify before the court out of which such execution issued, upon ten days' notice of the time when they will so justify being given to the judgment debtor or his attorney. Upon the hearing and examination into the sufficiency of a surety, witnesses may be required to attend and evidence may be procured and introduced in the same manner as in trial of civil cases. Upon such hearing and examination, the court shall make its order, in writing, approving or disapproving the sufficiency of the surety or sureties on such undertaking. In case the court disapproves of the surety or sureties on any undertaking, a new undertaking may be filed and served, and to any undertaking given under the provisions of this Act the same objections to the sureties may be made and the same proceedings had as in case of the first undertaking filed and served.

SEC. 6. A new section is hereby added to the Code of Civil Procedure, to be numbered section seven hundred and twelve and one half, and to read as follows:

712½. When objection is made to the undertaking upon the ground that the estimated value of the property claimed, as stated in the undertaking, is less than the market value of the property claimed, the person, corporation, partnership or association may accept the estimated value stated by the judgment creditor in said objection, and a new undertaking may be at once filed with the judgment creditor's estimate stated therein as the estimated value, and no objection shall thereafter be made upon that ground; if the judgment creditor's estimate of the market value is not accepted, the person, corporation, partnership or association giving the undertaking shall move the court in which the execution issued, upon ten days' notice to the judgment creditor, to estimate the market value of the property claimed and described in the undertaking, and upon the hearing of such motion witnesses may be required to attend and testify, and evidence be produced in the same manner as in the trial of civil actions. Upon the hearing of such motion, the court shall estimate the market value of the property described in the undertaking, and if the estimated value made by the court exceeds the estimated value as stated in the undertaking, a new undertaking shall be filed and served, with the market value determined by the court stated therein as the estimated value.

SEC. 7. A new section is hereby added to the Code of Civil Procedure, to be numbered section seven hundred and thirteen, and to read as follows:

713. The sureties shall justify on the undertaking as required by section one thousand and fifty-seven of the Code of Civil Procedure.

SEC. 8. A new section is hereby added to the Code of Civil Procedure, to be numbered section seven hundred and thirteen and one half, and to read as follows:

713½. The undertaking shall become effective for the purpose herein specified ten days after service of copy thereof on the judgment debtor, unless objection to such

undertaking is made as herein provided, and in case objection is made to the undertaking filed and served, then the undertaking shall become effective for such purposes when an undertaking is given as herein provided.

SEC. 9. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 10. This Act shall take effect from and after its passage.

Substitute for Senate Bill No. 58 read and adopted.

Ordered to engrossment and third reading.

Senate Bill No. 182—An Act to amend Sections 90, 91, and 92 of the Civil Code of the State of California, relating to the dissolution of marriage and providing for the granting of divorces, and Section 281 of the Penal Code of the State of California, relating to bigamy.

Bill passed on second-reading file, still open to amendment.

Senate Bill No. 27—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 81—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children, prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "Said probation officers to receive no compensation from the public treasury."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 51—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

Read third time.

Senator Devlin moved to refer to a special committee of one, to amend the bill as follows:

Within thirty days after the passage of this Act the Governor shall appoint a competent person, who, in addition to the persons now appointed, shall constitute the Board of Bank Commissioners. The persons appointed under the provisions of this Act shall hold office for four years from and after his appointment. Any appointment to fill a vacancy shall be for the unexpired term.

The roll was called, and the motion to refer to a special committee lost by the following vote:

AYES—Senators Curtin, Devlin, Plunkett, Savage, and Shortridge—5.

NOES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs,

Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luch-singer, Lukens, Muentner, Nelson, Oneal, Ralston, Rowell, Sanford, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—30.

The question recurring on the passage of the bill.

The roll was called, and Senate Bill No. 51 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luch-singer, Lukens, Muentner, Nelson, Oneal, Ralston, Rowell, Sanford, Tyrrell of San Francisco, Ward, and Woodward—28.

NOES—Senators Curtin, Devlin, Plunkett, Savage, Shortridge, Tyrrell of Nevada, and Williams—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Knowland: Senate Bill No. 420—An Act authorizing any teacher or public officer who is now a contributor to the public school teachers' annuity and retirement fund in any county, or consolidated city and county of this State, where there are no annuitants drawing annuities from the said fund of such county, or consolidated city and county, to cease to be a contributor to such fund within sixty days from the taking effect of this Act, and to have returned to him the amount contributed by him thereto, or such part thereof as may be available for that purpose.

Bill read first time, and referred to Committee on Education.

By Senator Selvage: Senate Bill No. 421—An Act to pay the claim of George Williams against the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Belshaw: Senate Bill No. 422—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class.

Bill read first time, and referred to Committee on County Government.

By Senator Oneal: Senate Bill No. 423—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the fees and salaries of certain county officers.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 424—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to the foreclosure and sale of mortgaged lands.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Banking: Senate Bill No. 425—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

Bill read first time, and ordered on file.

By Senator Shortridge: Senate Bill No. 426—An Act to create the Public News Station of California, to provide for the appointment of a public news reporter and his assistants, and to appropriate money to pay the expenses of the same.

Bill read first time, and referred to Committee on Commissions, Retrenchment, and Reform.

By Senator Flint: Senate Bill No. 427—An Act to amend an Act entitled "An Act to provide for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged by the Wardens of State Prisons," approved March 27, 1897.

Bill read first time, and referred to Committee on Prisons and Reformatories.

Also: Senate Bill No. 428—An Act making an appropriation of \$500 for the purpose of carpeting, repairing, and repainting furniture in and furnishing the office of the Clerk of the Supreme Court in the City of San Francisco.

Bill read first time, and referred to Committee on Finance.

By Senator Lardner: Senate Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological research.

Bill read first time, and referred to Committee on Commissions, Retrenchment, and Reform.

By Senator Leavitt: Senate Bill No. 430—An Act to amend Section forty-one hundred and sixty-one (4161) of the Political Code, relating to public moneys in the hands of the County Treasurer.

Bill read first time, and referred to Committee on Banking.

By Senator Devlin: Senate Bill No. 431—An Act to appropriate \$500 to pay the claim of W. C. Van Fleet for services rendered by him as an attorney-at-law for the State Board of Examiners.

Bill read first time, and referred to Committee on Finance.

RESOLUTION—(OUT OF ORDER).

The following resolution, out of order, was offered:

By Senator Rowell:

Resolved, That the position of Committee Clerk now held by Charles Detoy is hereby declared vacant, he having resigned his position, the same to take effect from and after January 24, 1903, and the State Controller is hereby directed not to issue any warrant to the said Charles Detoy from and after January 24, 1903; be it

Further resolved, That Melville Tobriner be appointed an assistant to the Sergeant-at-Arms at a salary of \$400 per diem, and the Controller is hereby directed to draw his warrant in favor of the said Melville Tobriner for services, beginning with the date he is sworn in.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggin, Corlett, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentzer, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—28.

NOES—None.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 2, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 375—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

BYRNES, Chairman.

Senate Bill No. 375 referred to Committee on Finance.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 2, 1903.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 4—Relative to about seven million acres of public land in this State withdrawn from public entry by the Commissioner of the General Land Office as a proposed forest reserve, and requesting investigation before making said reserve permanent—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HAHN, Chairman.

Assembly Joint Resolution No. 4 ordered on file.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, January 30, 1903.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 59—An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHN R. TYRRELL, Chairman.

Senate Bill No. 59 ordered on file.

CONSIDERATION OF CONCURRENT RESOLUTION.

Senator Flint moved that Senate Concurrent Resolution No. 10 be taken up for consideration.

Motion carried.

Senate Concurrent Resolution No. 10—Approving the Charter of Salinas City, a municipal corporation, in the County of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose, on the 12th day of January, 1903.

Resolution read.

Senator Flint, to correct a typographical error in printed copy, moved to amend as follows:

On page twenty-eight of printed bill, section two, line three, strike out the word "a" before the word "regular," and insert in lieu thereof the word "each."

Amendment adopted.

Senate Concurrent Resolution No. 10 ordered to reprint, and on file for adoption.

ADJOURNMENT.

At three o'clock and fifty-five minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER, }
 Wednesday, February 4, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 3, 1903, the further reading was dispensed with, on motion of Senator Selvage.

APPROVAL OF JOURNAL.

The Journal of Monday, February 2, 1903, having been corrected, was read and approved.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 8—Relative to the consent of the Legislature to the absence of His Excellency George C. Pardee, Governor of the State of California, from the State for more than sixty days.

Also: Passed Assembly Bill No. 350—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting Second Assembly District in Humboldt County the ninth district, and the Third Assembly District the forty-seventh district.

Also: Passed Assembly Bill No. 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Also: Passed (as a case of urgency) Assembly Bill No. 185—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State.

Also: Concurred in Senate amendments to Assembly Bill No. 322—An Act to provide for proceedings for the ascertainment of the existence and terms of, and for the determination of the validity and legal effect of grants or other instruments creating, changing, or affecting trusts and estates for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any or all thereof, under or pursuant to an Act entitled "An Act to advance learning the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, institutions, and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and receipt of donations and contributions thereto when established; for the

conveyance, holding, and protection of real property within this State suitable for the purpose herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions and the control and management thereof," approved March 5, 1887.

Also: Adopted Senate Concurrent Resolution No. 5—Relative to approving seven certain amendments to the Charter of the City of San Francisco.

CLIO LLOYD, Chief Clerk.

Assembly Bill No. 185 read first time, and referred to Committee on Finance.

Assembly Bill No. 350 read first time, and referred to Committee on Agriculture and Dairying.

Assembly Bill No. 12 read first time, and referred to Committee on Judiciary.

Senate Concurrent Resolutions Nos. 5 and 8 ordered to enrollment.

RESOLUTIONS.

The following resolutions were offered:

By Senator Tyrrell of Nevada:

Resolved, That Senators Tyrrell, Williams, and Bunkers of the Committee on Prisons and Reformatories, Senators Muentner, Nelson, and Selva of the Committee on Finance, and Senators Savage and Coggins, be and they are hereby granted leave of absence for one day for the purpose of visiting the State Prisons at Folsom and San Quentin, in order that the needs of these institutions may be inquired into and reported upon to the Senate, and that they be allowed their actual expenses.

Resolution read and adopted.

By Senator Shortridge:

Resolved, That the Controller draw his warrant for the sum of \$90 in favor of Hiram Clock, for services rendered, and the Treasurer is hereby directed to pay the same.

Resolved further, That Hiram Clock be and he is hereby elected Watchman of the Senate Chamber at the per diem of \$3.00, and that the Controller is directed to draw his warrant for the same and the Treasurer is directed to pay the same.

Resolution read.

SUSPENSION OF THE RULES.

Senator Shortridge moved that the rules be suspended for the purpose of considering the resolution.

Motion carried.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Emmons, Flint, French, Greenwell, Hahn, Knowland, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—29.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 3, 1903.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 161—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 160—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of this

State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROWELL, Chairman.

Senate Bills Nos. 161 and 160 ordered on file for second reading.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 4—An Act providing for the submission of the proposition of the license and sale, or prohibiting of the sale, of intoxicating liquors, to a vote of the people by municipal corporations of the fifth and sixth classes.

Also: Assembly Bill No. 58—An Act to validate the organization and incorporation of municipal corporations of the sixth class.

Also: Senate Bill No. 79—An Act to establish police courts in cities of the second class, to fix their jurisdiction, provide for officers of said court, and fix the compensation of the officers thereof.

Also: Senate Bill No. 137—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Also: Senate Bill No. 143—An Act regulating the hours of service on regular duty by members of the police department of cities of the first class, cities and counties, cities of the first and one half class, and cities of the second class.

Also: Senate Bill No. 220—An Act to amend the Municipal Corporation Bill, entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," and approved March 13, 1883, so as to change the time of beginning the assessment in cities of the sixth class.

Also: Senate Bill No. 269—An Act regulating the furnishing of light or power to incorporated cities, manner for payment for the same, and penalty for violation of the provisions of said Act.

Also: Senate Bill No. 272—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to sewers.

Also: Senate Bill No. 355—An Act providing for the relief of J. H. Sawtell, directing the Board of Trustees of the City of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of one thousand one hundred and thirty (\$1,130.00) dollars, and interest thereon, and to audit the demand therefor; and directing the President of the said Board of Trustees of said city to issue his warrant for said sum of money, and the City Clerk of said city to countersign said warrant, and the Treasurer of said city to pay said warrant.

Also: Senate Bill No. 369—An Act to establish a uniform system to enable towns or municipalities of certain classes or districts to form water districts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 52—An Act to amend Section 742 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No. 53—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Have had the same under consideration, and without recommendation respectfully report the same back.

SAVAGE, Chairman.

Senate Bills Nos. 4, 79, 137, 143, 220, 269, 272, 355, 369, 52, 53 and Assembly Bill No. 58 ordered on file for second reading.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 321—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same, Senate Bill No. 389 being of like import.

Also: Senate Bill No. 350—An Act to amend Section 3443 of the Political Code of the State of California, relating to the purchase of swamp and overflowed or tide lands of the State of California.

Also: Assembly Bill No. 168—An Act to amend Section 3492 of the Political Code of the State of California.

Also: Senate Bill No. 89—An Act to amend Sections 3456 and 3459 of the Political

Code of this State, relating to the appointment of commissioners of assessment in reclamation districts.

Also: Senate Bill No. 123—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

Also: Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they be referred to Finance Committee, to be considered in joint session by Committee on Drainage, Swamp and Overflowed Lands, and Committee on Finance.

LUCHSINGER, Chairman.

WITHDRAWAL OF BILL.

Senator Diggs asked for unanimous consent to withdraw Senate Bill No. 321—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

Consent granted.

Bill withdrawn, and ordered stricken from the file.

Senate Bills Nos. 350, 89, and 123 ordered on file for second reading.

Assembly Bill No. 168 ordered on file for second reading.

Assembly Bill No. 10 referred to Committee on Finance, with instructions to consider the same in joint meeting with Committee on Drainage, Swamp and Overflowed Lands.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Committee Substitute for Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among steam engineers in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 90—An Act authorizing and directing the State Board of Prison Directors to cut, manufacture, and sell stone to cities, counties, or cities and counties, for bridge and road purposes.

Also: Senate Bill No. 303—An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing penalties therefor.

Have had the same under consideration, and respectfully report them back without recommendation.

FRENCH, Chairman.

Senate Bills No. 90 and 303, and Committee Substitute for Senate Bill No. 62, ordered on file.

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 3, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the members of the special committee of three on Hospitals and Asylums, two from the Committee on Prisons and Reformatories, three from the Committee on Finance, two from the Committee on Health and Quarantine, and two unattached, ordered to visit and inquire into the needs of the several institutions located in Southern California and the State Normal School in San Francisco, be reimbursed for the actual traveling expenses to the amount of \$932.45, and that the Controller of State be directed to draw his warrant for the said amount in favor of the Sergeant-at-Arms of

the Senate, and that the same be charged to the Contingent Fund of the Senate, and the State Treasurer is hereby directed to pay said warrant.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution were adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hubbell, Luchsinger, Lukens, Muentner, Nelson, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, Williams, and Wolfe—27.

NOES—Senator Shortridge—1.

Also:

SENATE CHAMBER, SACRAMENTO, February 2, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the accompanying bills, recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby authorized to draw his warrant in favor of the Secretary of the Senate for the sum of one thousand seven hundred thirty-seven and seven hundredths (\$1,737.07) dollars, in payment of the bills hereto attached, and the Treasurer is directed to pay the same:

Postal Telegraph Cable Co.	\$197 37
H. S. Crocker Co.	1,183 50
D. Johnston & Co.	356 20
	<hr/>
	\$1,737 07

FLINT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution were adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Hahn, Hubbell, Nelson, Pendleton, Sanford, Savage, Selvage, Ward, Williams, Wolfe, and Woodward—22.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the accompanying bills, recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate, for the sum of one thousand sixty-nine and eighty-nine hundredths (\$1,069.89) dollars, in payment of the bills hereto attached, and the Treasurer is directed to pay the same:

D. Johnston & Co.	\$130 95
Sunset Telegraph and Telephone Co.	10 50
Siller Bros.	5 00
T. Scott	164 70
John Breuner Co.	555 99
Mrs. E. Hall	39 05
F. R. Pulford	70 15
Kane & Trainor Ice Co.	21 00
J. O. Coleman, P. M.	5 25
Capital Artesian Water Co.	60 00
Tenbrook & Co.	7 30
	<hr/>
	\$1,069 89

FLINT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution were adopted by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Greenwell, Hahn, Hubbell, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—26.

NOES—None.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 22—An Act to appropriate \$35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital; to purchase furniture and furnish the building so to be erected by the Board of Managers of said State Hospital; to appropriate money therefor, and provide for the expenditure of the same.

Also: Senate Bill No. 37—An Act to appropriate the sum of \$15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Also: Senate Bill No. 6—An Act to provide for the purchase of additional lands for the Napa State Hospital.

Also: Senate Bill No. 78—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Also: Senate Bill No. 12—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

Also: Senate Bill No. 44—An Act to appropriate \$8,000 for the extension of the laundry building and purchase of additional machinery therefor; for the purchase and erection of new boilers; for the construction of a reservoir and pipe-line for domestic water supply, for the Southern California State Hospital.

Also: Senate Bill No. 73—An Act to appropriate \$55,070 for the purchase of additional lands for the use of the Stockton State Hospital, with the existing improvements thereon; for further improvements thereon; to purchase dairy cows and hogs, and to purchase irrigation plant, all for the use of said hospital.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 25—An Act to build and provide for the furnishing of a cottage upon the grounds of the Agnews State Hospital, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended by committee.

Also: Senate Bill No. 113—An Act to provide for the building of fences and construction of ditches and reservoirs and other improvements at the Southern California State Hospital, and to make an appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

MUEENTER, Chairman.

Senate Bills Nos. 22, 37, 6, 78, 12, 44, 73, and 25 referred to Committee on Finance.

WITHDRAWAL OF BILL.

Senator Hubbell asked for and was granted unanimous consent to withdraw Senate Bill No. 113—An Act to provide for the building of fences and construction of ditches and reservoirs and other improvements at the Southern California State Hospital, and to make an appropriation for the same.

Senate Bill No. 113 withdrawn and ordered stricken from the file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 3, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 16—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit.

Senate Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California, and to appropriate money therefor.

Senate Bill No. 21—An Act creating a fund for the benefit and support of high schools and providing for its distribution.

Senate Bill No. 27—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Committee Substitute for Senate Bill No. 58—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," by adding eight sections thereto, to be numbered 710, 710½, 711, 711½, 712, 712½, 713, and 713½, relating to giving, conditioning,

and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking, in case any objection made is sustained by the court or admitted.

HUBBELL, Chairman.

Senate Bills Nos. 16, 85, 131, 21 and 27, and Committee Substitute for Senate Bill No. 58, ordered on file for third reading.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 3, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 237—An Act to provide one additional Judge of the Superior Court of the County of Kern.

Also: Senate Bill No. 83—An Act to amend Section 86 of the Code of Civil Procedure, relating to the Justices' Clerk in every city and county of more than 100,000 population.

Also: Senate Bill No. 96—An Act to amend Section 1183 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to liens of mechanics, miners, and others.

Also: Senate Bill No. 352—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said Code by an Act approved March 23, 1901.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 197—An Act to amend Section 595 of the Civil Code of the State of California, relating to the amount of real estate that may be held or owned by any corporation having the care, custody, control, and maintenance of orphans or half-orphans—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUKENS, Chairman.

Senate Bills Nos. 83, 96, 352, and 197, and Assembly Bill No. 237 ordered on file for second reading.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 3, 1903.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 3—Relating to adoption of County Government Acts by voters of the county; and No. 7—Abolishing grand juries; also Senate Constitutional Amendments Nos. 9 and 10—Providing for the initiative and referendum—have had the same under consideration, and respectfully report the same back, and recommend that Nos. 9 and 10 be adopted, and Nos. 3 and 7 be not adopted.

WARD, Chairman.

Senate Constitutional Amendments Nos. 3, 7, 9, and 10 ordered on file.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 274—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof; to provide the penalty therefor, and to appropriate money to enforce the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BYRNES, Chairman.

Senate Bill No. 274 referred to Committee on Finance.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 109—An Act to amend Section 5 of an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employes," approved February 6, 1889—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BAUER, Chairman.

Assembly Bill No. 109 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 3—An Act to appropriate the sum of \$5,487 to pay the amount of a judgment against the State of California and in favor of Robert Y. Hayne, with the interest thereon from the entry of said judgment to the time this Act takes effect, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Also: Senate No. Bill 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Have had the same under consideration, and respectfully report the same back, and recommend the same do pass as amended by committee.

Also: Assembly Bill No. 448—An Act making an appropriation for transportation of prisoners for the fifty-third and fifty-fourth fiscal years.

Also: Assembly Bill No. 449—An Act making an appropriation for transportation of the insane for the fifty second, fifty-third, and fifty-fourth fiscal years.

Also: Assembly Bill No. 450—An Act making an appropriation for the arrest of criminals without the limits of the State, for the fifty-third and fifty-fourth fiscal years.

Also: Senate Bill No. 24—An Act to appropriate the sum of \$250 to pay the claim of Thomas D. Riordan against the State of California, for professional services and advice in the case of D. B. Murphy vs. Chas. F. Curry, Secretary of State, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the State Board of Examiners.

Also: Senate Bill No. 71—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same.

Also: Senate Bill No. 207—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Also: Senate Bill No. 263—An Act to appropriate the sum of \$40 to pay the claim of B. M. Poore for money due and owing the said B. M. Poore from the State of California.

Also: Senate Bill No. 302—An Act to appropriate the sum of \$1,200 to pay for repairs to Capitol building and furniture, to be used during the remainder of the fifty-fourth fiscal year.

Also: Senate Bill No. 315—An Act making an appropriation of \$700 to provide for postage, expressage, telegraphing, traveling, and contingent expenses of the Governor's office for the fiscal year ending June 30, A. D. 1903.

Also: Senate Bill No. 382—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

Also: Senate Bill No. 48—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision without the Governor's approval on March 7, 1899.

Also: Senate Bill No. 238—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 152—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended by committee.

DEVLIN, Chairman.

Senate Bills Nos. 3, 13, 24, 71, 207, 263, 302, 315, 382, 48, 238, and 152, and Assembly Bills Nos. 448, 449, and 450 ordered on file for second reading.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your Committee on Code Revision, to whom was referred Senate Bill No. 11—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the definition of certain words—have had the same under consideration, and respectfully report the same back with substitute therefor, and recommend the passage of substitute.

SELVAGE, Chairman.

Senate Bill No. 11 ordered on file for second reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Committee on Code Revision: Senate Bill No. 432—An Act to amend Sections 738 and 740 of the Code of Civil Procedure, both relating to actions to determine conflicting claims to real property.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 433—An Act to repeal Chapters I, II, and III of Title XIII of Part II of the Code of Civil Procedure, and each and every section of said Chapters I, II, and III, and to substitute new Chapters I, II, and III, to take the place thereof in said code, relating to appeals in civil actions.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 434—An Act to amend Sections 832, 836, 845, 848, 849, 855, 859, 866, 867, 887, 892, 893, 895, 905, and 906, and to repeal Section 837 of the Code of Civil Procedure, all relating to civil actions in Justices' Courts.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 435—An Act to amend Section 803 of the Code of Civil Procedure, relating to actions for the usurpation of an office or franchise.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 436—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.

Bill read first time, and ordered on file without reference to committee.

By Senator Woodward: Senate Bill No. 437—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the government and management of State Hospitals for the Insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Flint: Senate Bill No. 438—An Act to amend "An Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March 9, 1897.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Lukens: Senate Bill No. 439—An Act to amend the Civil Code of the State of California, by adding a new section thereto, to be numbered and known as Section 361, relating to transfers of the business, franchises, and property of corporations.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 440—An Act regulating the business of abstracting, searching, and certifying to the public records of the several counties of the State of California.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 441—An Act to add a new section to the Politi-

cal Code, to be numbered 4247, to enable County Recorders to return or destroy certain papers on file in their office.

Bill read first time, and referred to Committee on Judiciary.

By Senator Coggins: Senate Bill No. 442—An Act to declare the Alturas and Lakeview wagon road, commencing at the south line of Modoc County, California, on a spur of the Warner range of mountains, and running thence north through Likely, Alturas, Davis Creek, and Willow Ranch to the south line of the State of Oregon, a State highway, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Tyrrell of San Francisco: Senate Bill No. 443—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

Bill read first time, and referred to Committee on Elections and Election Laws.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Oneal:

Resolved, That the name of Wm. Kerr be stricken from the list of attachés of the Senate, and that the name of Geo. McCarthy be substituted therefor as Bill Clerk, at a compensation of \$4.00 per day; and the Controller of State is hereby authorized and directed to draw his warrant, weekly, in favor of said Geo. McCarthy for such compensation, and the Treasurer of State is hereby directed to pay the same out of the Contingent Fund of the Senate; said substitution to date from February 1, 1903.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That the name of Elmer E. Cottle be stricken from the list of attachés of the Senate, and that the name of Frank Armstrong be substituted therefor as Assistant Minute Clerk, at a compensation of \$6.00 per day; and the Controller of State is hereby authorized and directed to draw his warrant, weekly, in favor of said Frank Armstrong for such compensation, and the Treasurer of State is hereby directed to pay the same out of the Contingent Fund of the Senate; said substitution to date from February 1, 1903.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Belshaw:

Resolved, That the Secretary of the Senate shall designate some employé of the Senate to see that files, such as are furnished to the members of this Senate, are every day regularly placed on the desks of the daily accredited newspaper correspondents in this Senate Chamber, and that the Secretary of the Senate be and is hereby instructed to report to this Senate any failure on the part of said employé to carry out the provisions of this resolution.

Resolution read and adopted.

By Senator Emmons:

WHEREAS, All of the members of this Senate, with the exception of the six members of the minority, have been provided with dispatch boxes for the care of their important papers; and

WHEREAS, The said six members of the minority have also important papers to care for; therefore, be it

Resolved, That the Sergeant-at-Arms of the Senate be instructed to purchase six dispatch boxes for the use of the minority, similar to those already purchased.

Resolution read.

Senator Flint moved that the resolution be taken up for consideration, without reference to committee.

Motion carried.

Resolution read and adopted.

SPECIAL FILE OF ASSEMBLY BILLS.

Senator Pendleton moved that the Secretary be instructed to maintain a special Assembly file, to be considered daily from two o'clock P. M. to three o'clock and thirty minutes P. M.; and, further, that the Secretary notify the Assembly of such action on part of the Senate, and request that the Assembly take similar action concerning consideration of Senate bills.

Motion carried.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

RESOLUTION—(OUT OF ORDER).

By Senator Emmons:

Resolved, That Assembly Bills Nos. 237, 448, 449, and 450 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution was adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—36.

NOES—None.

At eleven o'clock and twenty-five minutes A. M., Hon. C. W. Pendleton, State Senator from the Thirty-eighth Senatorial District, in the chair.

CASES OF URGENCY.

Assembly Bill No. 237—An Act to provide one additional Judge of the Superior Court of the County of Kern.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 237 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 448—An Act making an appropriation for transportation of prisoners for the fifty-third and fifty-fourth fiscal years.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 448 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, French, Greenwell, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 449—An Act making an appropriation for transportation of the insane for the fifty-second, fifty-third, and fifty-fourth fiscal years.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 449 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Rowell, Shortridge, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 450—An Act making an appropriation for the arrest of criminals without the limits of the State for the fifty-third and fifty-fourth fiscal years.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 450 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Coggins, Corlett, Curtin, Diggs, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Sanford, Savage, Selvage, Shortridge, Ward, Williams, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock and forty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senator Sanford moved that the Senate proceed to consider Assembly Joint Resolution No. 4.

Motion carried.

ASSEMBLY JOINT RESOLUTION No. 4.

Relative to about seven million acres of public land in this State withdrawn from public entry by the Commissioner of the General Land Office as proposed forest reserve, and requesting investigation before making said reserves permanent.

To the President of the United States, Congress of the United States, and the Department of the Interior:

The Legislature of the State of California, now assembled, presents the following memorial:

WHEREAS, A Commissioner of the General Land Office has caused to be withdrawn from entry over seven million acres of Government land in this State, as proposed forest reserves; and

WHEREAS, No definite action has yet been taken by the President of the United States and the Department of the Interior towards making these proposed reserves permanent reserves; and

WHEREAS, Many interests of the people of the whole State are involved in said proposed reservation, including mining, stock, and agricultural interests; and

WHEREAS, The permanent establishment of these reserves under the present existing reserve laws will cause great and lasting damage to many of the aforesaid interests; now, therefore, be it

Resolved, That the Legislature of the State of California, representing the whole people of this State, request the President of the United States, the Department of the Interior, and the Commissioner of the General Land Office to defer all action tending towards the permanent establishment of said reserves pending investigation into the question by the Department of the Interior; and be it further

Resolved, That the Legislature of the State of California hereby requests the President of the United States, or the Department of the Interior, or Congress of the United States, whichever body may have such power, to immediately appoint a special commission to investigate and report the facts, conditions, and matters connected with and surrounding the said proposed forest reserve in the State of California, and that said commission be empowered to hear testimony, personally examine the proposed forest reservations, and report fully thereon as to all conditions and interests surrounding, involved in, and affected by the said forest reservations.

Resolved, That the Clerk of the Assembly be instructed to forward a copy of the resolution to the President of the United States and the Secretary of the Interior.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 4 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—34.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

At twelve o'clock and twenty-seven minutes P. M., Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Senate Bill No. 17—An Act amending the Civil Code of the State of California, by adding thereto a new section, numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation, owning any railroad in this State, of its property and franchises, or any part thereof, to any railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and describing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 17 passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Emmons, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, and Woodward—30.

NOES—Senators Bunkers, Corlett, French, Nelson, Plunkett, Shortridge, Tyrrell of Nevada, Williams, and Wolfe—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock p. m. of this day.

RECONVENED.

At two o'clock p. m. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

SPECIAL FILE OF ASSEMBLY BILLS—THIRD READING OF BILLS.

Assembly Bill No. 143—An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 143 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 115—An Act defining the duties and liabilities of employment agents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 115 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Diggs, Emmons, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Ralston, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 16—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Read third time.

Senator Wolfe moved to refer to Senator Shortridge, as a special committee of one, to amend as follows:

By striking out of section three, line twenty-three, page three, from and including the word "all" to and including the word "criticism," in line twenty-seven, page three.

POINT OF ORDER.

Senator Leavitt raised the point of order that the bill carried an appropriation, and that under the rules it should be referred to Committee on Finance.

The President held the point of order well taken.

Senate Bill No. 16 referred to Committee on Finance.

Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit.

Read third time.

On motion of Senator Wolfe, passed on file, and to retain place on file.

Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

Read third time.

On motion of Senator Selvae, passed on file, and to retain place on file.

Senate Bill No. 34—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Read third time on previous day.

Senator Smith moved to refer to Senator Shortridge, as a special committee of one, to amend as follows:

On page one, section one, line three insert the following: "other than property of any municipality."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 34, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHORTRIDGE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 36—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 36 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Sanford, Savage, Selvae, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE CONCURRENT RESOLUTION No. 10.

Senator Flint sent the following telegram to the desk, which, upon his request, was ordered read by the Secretary:

TELEGRAM.

SALINAS, CAL., February 4, 1903.

I. M. KING, *Journal Clerk, Senate, Sacramento:*

Words "first department," in Section 2, Article VIII of Salinas Charter; also, in line two, Section 2, Article VIII, Senate Concurrent Resolution No. 10 read, in original, "fire department." Words "first department" not in charter. Make change, if possible; otherwise, pass it as it is.

THOS. RENISON, Mayor.
JOHN J. KELLY, City Clerk.
JOHN J. WYATT,
Secretary Board of Freeholders.

RECALLED FROM PRINTER.

Whereupon, Senator Flint moved that Senate Concurrent Resolution No. 10 be recalled from printer.

Motion carried.

Senate Concurrent Resolution No. 10 recalled from printer, and at desk.

Senate Concurrent Resolution No. 10—Relative to charter of Salinas City.

Senator Flint moved that the Secretary be directed to correct copy for printer, in accordance with above telegram and original charter, and thereupon forward corrected copy to State Printer.

Motion carried, and the Secretary so directed.

Senate Bill No. 58—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution, to provide for the examination and determination of the sufficiency of the sureties on such undertaking, to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking, in case any objection made is sustained by the court or admitted.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 58 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—33.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 27—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 27 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—33.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 84—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals.

Read second time on a previous day, and open to amendment.

The following amendment was offered:

By Senator Ralston:

On page two, section one, line sixteen, strike out the words "or poultry."

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

Bill read third time.

Senator Curtin moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

By adding thereto, after the last word therein, the following: "And where the parent is a non-resident of this State, such child may, without the consent of either parent, be adopted, with the consent of the managers of such home, whenever it has been left in such home for more than one year.

"SEC. 2. This Act shall take effect immediately."

So ordered.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 312, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 298—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402½, relating to the furnishing and erecting of unsafe and improper scaffolding or mechanical contrivances.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting the enacting clause after the title.

Amendment adopted.

Bill read second time, ordered to print, and on file for third reading.

Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Bill read second time.

The following amendments were submitted by the committee:

COMMITTEE AMENDMENT No. 1.

In section one, line four, strike out "the" after Section 1970 and insert "an."

Amendment adopted.

COMMITTEE AMENDMENT No. 2.

In section one, line five, at end of line insert "ordinary."

Amendment adopted.

COMMITTEE AMENDMENT No. 3.

In section one, line ten, strike out "said injured," and insert therefor "such."

Amendment adopted.

The following amendment was offered:

By Senator Coggins:

By striking out, after the word "business," in line eight, the words "unless in the course of the employer's business such other person has the power of ordering or directing said injured employé in the performance of his work, or"; such words including all of lines nine and ten, and to the word "unless" in line eleven,

Senator Lukens moved that Senate Bill No. 304, together with Senate Bill No. 314—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employés—be re-referred to Judiciary Committee, the same to retain their places on file.

So ordered.

Senate Bill No. 241—An Act to amend Sections 2293 and 2298 of the Political Code, relating to the State Library.

During the second reading of bill, the following amendments were offered:

By Senator Lukens:

On page one, line two of the title, amend title by inserting between the words "ninety-three" and the word "and" the words "twenty-two hundred and ninety-five."

Amendment adopted.

Also:

On page two, section two, strike out entire section two, and insert in lieu thereof the following:

"Section twenty-two hundred and ninety-five of said code is hereby amended to read as follows:

"Section 2295. It is the duty of the Librarian:

"1. To be in attendance at the library during office hours.

"2. To act as secretary of the board of trustees, and keep a record of their proceedings

"3. To purchase books, maps, engravings, paintings, and furniture for the library.

"4. To number and stamp all books and maps belonging to the library, and to keep a catalogue thereof.

"5. To have bound all books and papers that require binding.

"6. To keep a register of all books and property added to library and of the cost thereof.

"7. To keep a register of all books taken from the library.

"8. To distribute to the State University, to the Leland Stanford Jr. University, to each incorporated college in the State, to each public library therein, and to such other literary and scientific institutions therein as his judgment may dictate, one copy each of all official State publications, including the laws, journals, and appendices of the legislature, and to establish and maintain with similar public institutions of the General Government, the other states and foreign countries, a system of exchange of such State publications for like official publications, and other valuable works. The State Librarian is empowered to make requisition upon the Secretary of State for a sufficient number of such State publications to enable him to carry out the requirements of this subdivision."

Amendment adopted.

Also:

Insert a new section in the Act to consist of the matter now in section two thereof, to read as follows:

"Sec. 3. Section twenty-two hundred and ninety-eight of said Code is hereby amended to read as follows:

"Section 2298. The Controller, when notified by the State Librarian that any officer or employé of the State for whom he draws a warrant for salary has failed to return any book taken by him (or for which he has given an order) within the time prescribed by the rules, or the time within which it was agreed to be returned, and which notice shall give the value thereof, must, after first informing said officer or employé of such notice, upon failure by him to return the said book, deduct from the warrant for the salary of said officer or employé twice the value of such book, and place the amount so deducted in the State Library Fund. In case of the neglect or refusal on the part of any officer or employé of the State to return a book for which he has given an order or receipt or has in his possession, the State Librarian is authorized to purchase for the Library a duplicate of said book, and to notify the Controller of such purchase, together with the

cost of the same. Upon the receipt of such notice from the Librarian, the Controller must deduct twice the cost of said duplicate book from the warrant for the salary of said officer or employé, and place the amount so deducted in the State Library Fund. The State Librarian is empowered to bring suit in his official capacity for the recovery of any book or books, or for three times the value thereof, together with costs of suit, against any person having the same in his possession or being responsible therefor. In case the Librarian has purchased a duplicate of any book as provided in this Chapter, he is authorized to bring suit as aforesaid for three times the amount so expended for said duplicate, together with costs of suit."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 92—An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, and by adding thereto four new sections, numbered 18, 19, 20, and 21, all relating to the sanitary condition of barber shops, and barber schools, and the regulation thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Constitutional Amendment No. 14—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, amending Section 8½ of Article XI, relating to cities, counties, and towns.

During the reading of the constitutional amendment, the following amendment was submitted by the committee:

Amend by striking out the word "thereto" in line thirty-six, on page two of printed bill, and inserting in lieu thereof the following: "to such charter."

Amendment adopted.

Constitutional amendment ordered to print.

Senate Constitutional Amendment No. 15—An Act proposing to the people of the State of California an amendment to the Constitution of the State, amending Section 16 of Article XX of the Constitution, relating to the term of any officer or commissioner.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 15 was refused adoption by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Devlin, Flint, Hahn, Hubbell, Lardner, Luchsinger, Ralston, Rowell, Sanford, Shortridge, Ward, Wolfe, and Woodward—16.

NOES—Senators Bunkers, Byrnes, Corlett, Diggs, French, Knowland, Leavitt, Nelson, Oneal, Pendleton, Plunkett, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, and Williams—16.

SENATE CONSTITUTIONAL AMENDMENT RECALLED FROM PRINT.

On motion of Senator Belshaw, Senate Constitutional Amendment No. 14—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, amending Section 8½ of Article XI, relating to cities, counties, and towns—was recalled from print, for the purpose of being withdrawn and stricken from the file.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT.

Senator Belshaw asked for and was granted unanimous consent to withdraw Senate Constitutional Amendment No. 14—A resolution pro-

posing to the people of the State of California an amendment to the Constitution of the State, amending Section 8½ of Article XI, relating to cities, counties, and towns.

Senate Constitutional Amendment No. 14 withdrawn, and ordered stricken from the file.

INVITATION ACCEPTED.

Senator Oneal presented the following invitation, which was ordered printed in the Journal:

SAN JOSÉ, CALIFORNIA, February 3, 1903.

To SENATOR LOUIS ONEAL, *State Capital, Sacramento*:

The Chamber of Commerce, Merchants' Association, and allied organizations of San José most cordially invite Governor George C. Pardee and the Legislature of the State of California to be the guests of the City of San José on Friday and Saturday. It will be our pleasure to provide free railroad transportation by special train, a banquet, hotel accommodations, a valley carriage drive, and the best hospitality that our hearts and heads can afford.

(Signed:) V. A. SCHELLER,
President of the Chamber of Commerce.

On motion of Senator Wolfe, the invitation was accepted.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred Senate Concurrent Resolution No. 6—Relative to appointment of committee to receive the President of the United States, upon his visit to California—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute be adopted.

FLINT, Chairman.

Senate Concurrent Resolution No. 6 ordered on file.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 261—An Act to create and establish a commission to revise, systematize, and reform the laws of this State, and also the rules and regulations governing and pertaining to the National Guard of California, and for the appointment of the members of the said commission, to be known as "The Commissioners for the Revision and Reform of the Laws, Rules, and Regulations Governing the National Guard of California"; and to prescribe their powers and duties; and to provide for the expenses of said commission, and to appropriate money therefor.

Also: Senate Bill No. 307—An Act authorizing the mustering and attaching to the National Guard of California of a company of engineers, and providing for their equipment and maintenance.

Also: Senate Bill No. 317—An Act to amend Section 1993 of the Political Code of the State of California, relating to bands of music for the National Guard of California, and to the organization and uniforming of such bands.

Have had the same under consideration, and respectfully report back a committee substitute therefor, and recommend that the substitute do pass.

WILLIAMS, Chairman.

Senate Bills Nos. 261, 307, and 317 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Devlin: Senate Bill No. 445—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Belshaw: Senate Bill No. 444—An Act to amend Section 6 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, defining what is cruelty to animals.

Bill read first time and referred to Committee on Judiciary.

By Senator Hahn: Senate Bill No. 446—An Act to add a new section to the Penal Code of the State of California, to be known as Section 650½, relating to willful and wrongful acts seriously injuring the person or property of another; seriously disturbing or endangering the public peace; outraging public decency; using another's name for accomplishing lewd or licentious purposes, whether accomplished or not, affecting, or having a tendency to affect the moral character of the person whose name is used, and to personifying another, causing or procuring others to identify or give assurance that a person is some one else for the accomplishment of lewd or licentious purposes, whether accomplished or not, and making such acts misdemeanors where no other punishment is expressly prescribed by the code.

Bill read first time, and referred to Committee on Judiciary.

ADJOURNMENT.

At four o'clock and twenty minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 5, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luch-singer, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—34.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 4, 1903, the further reading was dispensed with, on motion of Senator Corlett.

APPROVAL OF JOURNAL.

The Journal of Friday, January 30, 1903, having been corrected, was read and approved.

LEAVE OF ABSENCE.

Senator Rowell was, on motion of Senator Flint, granted leave of absence for one hour.

PETITION.

Senator Emmons presented the following petition, which was ordered printed in the Journal:

WHEREAS, States are not great except as men thus make them, it is manifestly the duty of government to so guard and guide the children that when a generation reaches the age of accountability its individual strength will override its collective weaknesses; and

WHEREAS, So far as government is concerned, interest in the development of each child, regardless of color or locality, should be the same; and

WHEREAS, There are about 38,000,000 children in the United States, with an average attendance in our public schools of 10,500,000, and an average length of term of 68½ days; and

WHEREAS, The influences of noble men and women are not limited to their home school district, nor are the influences of evil men or women limited to a school district; and

WHEREAS, The taxpayers of some school districts pay from six to eight times as much taxes for school purposes as do the taxpayers of other school districts, with the ratio of benefits reversed; and

WHEREAS, We favor a National school system, in which the burdens and benefits will be the same to every citizen and child, free from partisan politics; therefore,

We hereby petition our National Congress to submit an amendment to the Federal Constitution to the several States for their ratification, establishing a National Board of Education, with full powers in educational matters, said Board to consist of the Superintendents of Education in our forty-five States, four Territories and one District, said Board of Education to sit in National council at least four weeks each year.

And we recommend to said Board of Education when it shall be organized that as the beneficial influence of a pure and beautiful home is denied millions of our children, it establish a permanent home in each school district, where the homeless shall abide and the indigent be provided for, and that the increased expenditure, if any, shall be provided by giving the children the same privilege as the wealthy, that is, the School Board bond may be deposited with the National Government and the money needed to make necessary improvements furnished thereon as it is now furnished to the National Banks.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution by adding thereto a section, to be numbered Section 21, and relating to appointments, transfers, and promotions of officers and employes of the State, its cities and political subdivisions.

Also: Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution, by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences."

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Assembly Constitutional Amendment No. 6 referred to Committee on Constitutional Amendments.

Senate Constitutional Amendment No 4 ordered to enrollment.

TELEGRAPHIC COMMUNICATION.

The President announced that he had received the following telegraphic communication, which was ordered printed in the Journal:

SANTA FE, N. M., February 4, 1903.

The President of the Senate and Speaker of the House of Representatives, Sacramento, California:

I am directed by your memorialists, the Legislative Assembly of the Territory of New Mexico, to communicate with your honorable body with reference to the subject

embraced in the memorial adopted by the Legislative Assembly of New Mexico, the text of which was wired you on January 22d, concerning the Omnibus Bill for the admission of the Territories, now pending before the United States Senate, and to call your attention to the urgency of such matter and to request that if the memorial so presented meets with your approbation and you contemplate a compliance therewith that immediate action be taken and that your memorial, when adopted, shall be telegraphed to the President of the United States Senate and to your Senators, and to also respectfully request information as to whether any action has to the present time been taken with reference to such memorial.

W. E. MARTIN, Chief Clerk of the Legislative Council.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your Committee on Executive Communications, to whom was referred the following appointments made by the Honorable Henry T. Gage, beg leave to report and make the following recommendations:

1. Recommend that the Senate advise and consent to the appointment of W. E. Gerber, of Sacramento County, Fish Commissioner, in place of Alex. Vogelsang, term expired.
2. Recommend that the Senate advise and consent to the appointment of John C. Kirkpatrick, of the City and County of San Francisco, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of P. J. Harney, term expired.
3. Recommend that the Senate advise and consent to the appointment of John D. MacKenzie, of Santa Clara County, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of Rudolph Herold, Jr., term expired.
4. Recommend that the Senate advise and consent to the appointment of E. Myron Wolfe, of the City and County of San Francisco, Insurance Commissioner, in place of Andrew J. Clunie, term expired.
5. Recommend that the Senate advise and consent to the appointment of the Honorable M. L. Ward, of San Diego County, a Trustee of the State Normal School at San Diego, in place of Z. B. West, term expired.
6. Recommend that the Senate advise and consent to the appointment of the Honorable Robert T. Devlin, of Sacramento County, a member of the State Board of Prison Directors, in place of himself, term expired.
7. Recommend that the Senate advise and consent to the appointment of Garrett W. McEnerney, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of Stephen M. White, deceased.
8. Recommend that the Senate advise and consent to the appointment of Dr. C. N. Ellinwood, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of A. S. Hallidie, deceased.
9. Recommend that the Senate advise and consent to the appointment of Charles S. Wheeler, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of Albert Miller, deceased.
10. Recommend that the Senate advise and consent to the appointment of I. W. Hellman, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of himself, term expired.
11. Recommend that the Senate advise and consent to the appointment of Guy C. Earl, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of W. T. Wallace, term expired.
12. Recommend that the Senate advise and consent to the appointment of Rev. Peter C. Yorke, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of W. H. L. Barnes, deceased.
13. Recommend that the Senate advise and consent to the appointment of J. W. McKinley, of Los Angeles County, a member of the Board of Regents of the University of California, in place of Arthur Rodgers, deceased.

Respectfully submitted.

LEAVITT, Chairman.

SPECIAL ORDER SET.

On motion of Senator Leavitt, the further consideration of the above report on Executive communications was made a special order for Friday, February 6, 1903, immediately after the introduction and first reading of bills.

Senator Shortridge moved that the Committee on Executive Communications be required to report back to-morrow morning all appoint-

ments made by Hon. Henry T. Gage and referred to it, and further consideration of the same be made a special order together with the special order already set.

The question being on the motion to report back.

The roll was called, and motion lost by the following vote:

AYES—Senators Belshaw, Diggs, Savage, Shortridge, Smith, Wolfe—6.

NOES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, and Woodward—28.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 5, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Senate Bill No. 92—An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, and by adding thereto four new sections, numbered 18, 19, 20, and 21, all relating to the sanitary condition of barber shops and barber schools, and the regulation thereof.

HUBBELL, Chairman.

Senate Bill No. 92 ordered on file.

ON MINING.

SENATE CHAMBER, SACRAMENTO, February 5, 1903.

MR. PRESIDENT: Your Committee on Mining, to whom was referred Assembly Joint Resolution No. 1—Relative to the construction of restraining dams and diverting canals on the Bear and American rivers—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

RALSTON, Chairman.

Assembly Joint Resolution No. 1 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 3, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 311—An Act to provide for the protection of the banks of Bel River against the ravages of high water, and making an appropriation therefor.

Also: Senate Bill No. 88—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DEVLIN, Chairman.

Senate Bills Nos. 311 and 88 ordered on file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep—have had the same under consideration, and respectfully report the same back, and recommend that, as amended, the same do pass.

WOODWARD, Chairman.

Assembly Bill No. 102 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Engrossed Assembly Bill No. 8—An Act to add a new section to the Political

Code of the State of California, to be known as Section 3611, relating to the general revenue of the State, and to property exempt from taxation.

Also: Senate Bill No. 314—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employes.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LUKENS, Chairman.

Senate Bills Nos. 304 and 314, and Assembly Bill No. 8 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Caldwell: Senate Bill No. 447—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be designated as 177½, relating to the appointment of a deputy by the Treasurers of counties of the twentieth class, and to the amount and payment of the salary of such deputy.

Bill read first time, and referred to Committee on County Government.

By Committee on Code Revision: Senate Bill No. 448—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 449—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 450—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 451—An Act to add a new section to the Code of Civil Procedure, to be numbered 1008, relating to orders.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 452—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil actions.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 453—An Act to amend Section 1054 of the Code of Civil Procedure, relating to extensions of time.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 454—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 455—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 456—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 457—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 458—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 459—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110a, requiring notice to be given to the real parties in interest in certain proceedings.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 460—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 461—An Act to amend Sections 1164, 1166, and 1167, and to repeal Sections 1163, 1175, and 1180, and both the sections numbered 1161 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1161, all relating to summary proceedings for obtaining possession of real property.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 462—An Act to amend Sections 1183, 1184, 1191, and 1203, and to repeal Section 1196 of the Code of Civil Procedure, all relating to liens of mechanics and others upon real property.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 463—An Act to repeal Chapter III of Title IV of Part III of the Code of Civil Procedure, and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said code, relating to liens for salaries and wages.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 464—An Act to amend Sections 1209, 1210, 1217, 1218 of the Code of Civil Procedure, all relating to contempts.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 465—An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 466—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation proceedings.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 467—An Act to repeal Title VIII of Part III of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said code, relating to escheated estates.

Bill read first time, and ordered on file without reference to committee.

By Senator Flint: Senate Bill No. 468—An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

Bill read first time, and referred to Committee on County Government.

By Senator Corlett: Senate Bill No. 469—An Act to repeal an Act entitled "An Act concerning the fees of jurors and witnesses in the City and County of San Francisco," approved February 27, 1866.

Bill read first time, and referred to Committee on Judiciary.

By Senator Curtin: Senate Bill No. 470—An Act to appropriate the sum of \$185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 471—An Act to appropriate the sum of four hundred dollars to pay the claim of John E. Tucker against the State of California upon a judgment recovered in an action entitled "John E. Tucker vs. the State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Bill read first time, and referred to Committee on Finance.

By Senator Emmons: Senate Bill No. 472—An Act to prevent the destruction of oil wells.

Bill read first time, and referred to Committee on Mining.

Also: Senate Bill No. 473—An Act to prevent the manufacture and sale of cigarettes.

Bill read first time, and referred to Committee on Public Morals.

Also: Senate Bill No. 474—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1887, by amending Section 25 thereof, relating to the general permanent powers of Boards of Supervisors.

Bill read first time, and referred to Committee on County Government.

By Senator Selva: Senate Bill No. 475—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 476—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 477—An Act to amend Section 55 of the County Government Act, approved April 1, 1897, relating to the number of county officers and the consolidation of county offices.

Bill read first time and referred to Committee on County Government.

Also: Senate Bill No. 478—An Act to add a new section to the Political Code, to be numbered 3557, relating to the cancellation of taxes on lands resold by the State, where a judgment has been entered annulling the certificate of purchase.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 479—An Act relating to the appointment of registration clerks by the County Clerk, and the time for which said registration clerks shall hold office, also prescribing the powers and duties of said registration clerks.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 480—An Act to make women eligible to educational offices, and to the positions of official reporter and registration clerk.

Bill read first time, and referred to Committee on Education.

By Senator Ralston: Senate Bill No. 481—An Act making an appropriation to pay the judgment against the State of California, recovered by Oscar R. Brown, in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Bill read first time, and referred to Committee on Finance.

By Senator Shortridge: Senate Bill No. 482—An Act to add a new section to the Political Code of the State of California, to be known as Section 1674, providing for the formation of union school districts, and the maintenance therein of union schools.

Bill read first time, and referred to Committee on Education.

At eleven o'clock and twenty-five minutes A. M., Hon. E. I. Wolfe, Senator from the Twenty-first Senatorial District, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee, out of order, was received and read:

ON MINING.

SENATE CHAMBER, SACRAMENTO, February 5, 1903.

MR. PRESIDENT: Your Committee on Mining, to whom was referred Senate Bill No. 225—An Act to add a new section to the Penal Code, to be numbered ———, relating to the regulating of the marketing, identifying, manufacturing and sale of products of crude petroleum used for illuminating and fuel purposes—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

RALSTON, Chairman.

Senate Bill No. 225 ordered on file.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Committee Substitute for Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among steam engineers in the State of California.

Bill having been read second time on a previous day, but still open to amendment.

The following amendments were submitted by the committee:

Strike out of section one, line eight, "all engines working on pumping plants up to fifty horse-power."

Amendment adopted.

Also:

Amend by inserting after "locomotives," line five, section one, the following: "boilers of dredgers."

Amendment adopted.

Also:

Amend by inserting after "vehicles," line five, section one, the following: "boilers of reclamation district pumping plants."

Amendment adopted.

Also:

Amend section one, line eight, by adding "engineers running hoisting engines at mines."

Amendment adopted.

Also:

After the word "mines" add "and near steamboat landings."

Amendment adopted.

Also:

Amend section one, line eight, after the words "threshing engines," by inserting the following: "donkey and bull engines used in lumber woods, engines in lumber mills."

Amendment adopted.

On motion of Senator French, Committee Substitute for Senate Bill No. 62 was referred to a special committee, consisting of Senator Williams, to amend.

Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating

to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit.

Bill read third time on a previous day.

Senator Wolfe moved to refer to Senator Shortridge, as a special committee of one, to amend as follows:

On page one of the bill, in the title of bill, after the word "amount" in third line, add the words "character and location of."

On page two, section one, strike out from and including the word "and," in line twenty-three, up to and including the word "lands" in line twenty-four.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 5, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 85, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHORTRIDGE, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

SECOND READING OF BILLS.

Senate Bill No. 182—An Act to amend Sections 90, 91, and 92 of the Civil Code of the State of California, relating to the dissolution of marriage and providing for the granting of divorces, and Section 281 of the Penal Code of the State of California, relating to bigamy.

On motion of Senator Hubbell, bill passed on file, to retain its place on file.

Senate Bill No. 215—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 343—An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "its passage" in line one, section two, printed bill, and inserting in lieu thereof, the following: "the first day of January, A. D. 1904."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 170—An Act to prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses for the purpose of gambling, playing cards, billiards, pool, or any game of chance.

During second reading of bill, the following amendment was offered by Senator Ward:

In the enacting clause, strike out the word "the" after the word "in" and before the word "Senate."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 9—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and

maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulation thereof," approved March 29, 1897.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 80—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 250—An Act to amend Section 1366 of the Political Code, relating to primary elections.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 59—An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 160—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of this State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 161—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

During second reading of bill, the following amendment was submitted by the committee:

Amend on page one, section one, line eight of printed bill, by striking out the word "must" and inserting in lieu thereof the following: "may in their discretion."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 4—An Act providing for the submission of the proposition of the license and sale, or prohibiting of the sale, of intoxicating liquors, to a vote of the people by municipal corporations of the fifth and sixth classes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 79—An Act to establish police courts in cities of the second class, to fix their jurisdiction, provide for officers of said court, and fix the compensation of the officers thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 137—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Bill read second time, considered engrossed, and ordered on file for third reading.

CONCURRENT RESOLUTION RECALLED FROM COMMITTEE.

On motion of Senator Coggins, Senate Concurrent Resolution No. 7 was recalled from committee for the purpose of immediate consideration.

SENATE CONCURRENT RESOLUTION NO. 7.

Relating to the creation of proposed forest reserves in the State of California, and requesting the Boards of Supervisors and District Attorneys of counties therein affected thereby to gather and compile data, information, statistics and maps showing the injurious effects of the creation of such reserves.

WHEREAS, A Commissioner of the General Land Office has caused to be withdrawn from entry over seven million acres of Government land in this State, as proposed forest reserves; and

WHEREAS, No definite action has as yet been taken by the President of the United States and the Department of the Interior towards making these proposed reserves permanent reserves; and

WHEREAS, Many and divers interests of the people of the whole State are involved in the said proposed reservations, including mining, stock, and agricultural interests; and

WHEREAS, The financial interests of many counties of this State will be seriously disturbed and greatly impaired should the said temporary withdrawals be made permanent reserves; and

WHEREAS, The permanent establishment of these reserves, under present existing reserve laws, will cause great and lasting damage to many of the aforesaid interests and counties, and will be the means of advancing the ulterior designs of persons and corporations not well disposed toward the welfare of this State; now, therefore, be it

Resolved, That the Legislature of the State of California, representing the whole people of this State, requests the Boards of Supervisors and the District Attorneys of the several and various counties affected by the creation of the proposed reserves to take immediate and concerted action looking to the gathering, compilation and tabulation of data, information, statistics and maps, showing the injurious effects of the creation of such reserves, for presentation to the President of the United States, the Department of the Interior and the Commissioner of the General Land Office.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 7 was adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Muenster, Nelson, Pendleton, Ralston, Rowell, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—27.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

Senate Bill No. 143—An Act regulating the hours of service on regular duty by members of the police department of cities of the first class, cities and counties, cities of the first and one half class, and cities of the second class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 220—An Act to amend the municipal corporation bill entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," and approved March 13, 1883, so as to change the time of beginning the assessment in cities of the sixth class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 269—An Act regulating the furnishing of light or power to incorporated cities, manner for payment for the same, and penalty for violation of the provisions of said Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 272—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to sewers.

During second reading of bill, the following amendment was offered by Senator Devlin:

On page one, in the enacting clause, strike out the word "the" before the word "Senate."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 355—An Act providing for the relief of J. H. Sawtell, directing the Board of Trustees of the City of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of \$1,130 and interest thereon, and to audit the demand therefor; and directing the President of the said Board of Trustees of said city to issue his warrant for said sum of money, and the City Clerk of said city to countersign said warrant, and the Treasurer of said city to pay said warrant.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 369—An Act to establish a uniform system to enable towns or municipalities of certain classes or districts to form water districts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 52—An Act to amend Section 742 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 53—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Bill having been read second time, with the following amendment by Senator Coggins pending:

By striking out, after the word "business," in line eight, the words "unless in the course of the employer's business such other person has the power of ordering or directing said injured employé in the performance of his work, or"; such words including all of lines nine and ten, and to the word "unless" in line eleven.

And having been reported back from the Committee on Judiciary, the same was taken up for consideration.

The following amendment was submitted by the committee:

Amend by striking out in line four, section one, the word "the" and inserting in lieu thereof the word "an"; also, by inserting between the word "the," the last word in line five, and the word "risk" in line six, the word "ordinary"; also, by striking out in line ten the words "said injured" and inserting in lieu thereof the word "such."

Amendment adopted.

SPECIAL ORDER SET.

On motion of Senator Leavitt, the further consideration of Senate Bill No. 304 was made a special order for this day immediately after the consideration of special file of Assembly bills.

LEAVE OF ABSENCE.

Senator Woodward was, on his own motion, granted leave of absence until Monday, February 9, 1903.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 5, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bill:

Committee Substitute for Senate Bills Nos. 101 and 201—An Act to amend Sections 626, 626a, 626f, and 626h of the Penal Code of the State of California, all relating to the protection and preservation of game—and report that the same has been correctly enrolled, and presented the same to the Governor on this second day of February, 1903, at three o'clock and five minutes P. M.

Also: Senate Concurrent Resolution No. 9—Relative to the recent death of Hon. F. C. Franck of Santa Clara County—and report that the same has been correctly enrolled, and presented the same to the Governor on this fourth day of February, 1903, at nine o'clock and forty-five minutes A. M.

HUBBELL, Chairman.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

SPECIAL FILE OF ASSEMBLY BILLS—SECOND READING OF BILLS.

Assembly Bill No. 58—An Act to validate the organization and incorporation of municipal corporations of the sixth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 168—An Act to amend Section 3492 of the Political Code of the State of California, relating to the organization of reclamation districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 109—An Act to amend Section 5 of an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employes," approved February 6, 1889.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers—having been set as a special order for this hour, the same was taken up.

Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

The following amendment was pending:

By Senator Coggins:

By striking out, after the word "business," in line eight, the words "unless in the course of the employer's business such other person has the power of ordering or directing said injured employé in the performance of his work, or"; such words including all of lines nine and ten, and to the word "unless" in line eleven.

The following substitute for the pending amendment was offered by Senator Devlin:

Add, after the word "work," in line eleven, "and such injury is proximately caused by his acting in obedience to the negligent order or direction of such other person."

The question being upon the adoption of the substitute.

The ayes and noes were demanded by Senators Leavitt, Ralston, and Wolfe.

The roll was called.

CALL OF THE SENATE.

Pending announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, four o'clock and twenty minutes P. M.

The President directed the Secretary to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—38.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and twenty-three minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Wolfe.

Whereupon, the President announced the substitute lost by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Devlin, Diggs, Flint, Greenwell, Hahn, Muentner, Oneal, Pendleton, Ralston, Rowell, Savage, Selva, Shortridge, Smith, Tyrrell of Nevada, and Wolfe—19.

NOES—Senators Bunkers, Byrnes, Caldwell, Corlett, Curtin, Emmons, French, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Sanford, Tyrrell of San Francisco, Ward, Welch, and Williams—19.

The question being on the adoption of the amendment by Senator Coggins.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Devlin, Greenwell, Muentner, Pendleton, Ralston, Savage, Shortridge, Smith, and Tyrrell of Nevada—12.

NOES—Senators Bauer, Bunkers, Byrnes, Caldwell, Curtin, Diggs, Emmons, Flint, French, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Rowell, Sanford, Tyrrell of San Francisco, Ward, Welch, Williams, and Wolfe—23.

Bill ordered to print, engrossment, and third reading.

LEAVE OF ABSENCE.

Senator Belshaw was, on his own motion, granted leave of absence until Monday, February 9, 1903.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Leavitt, the following message from the Governor was taken up and read, and referred to Committee on Executive Communications:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 5, 1903. }

To the Senate of the State of California:

I hereby respectfully withdraw from the consideration of your honorable body the following appointments submitted to your honorable body for approval on the sixth day of January, A. D. 1903, namely:

Geo. W. Reed, of Alameda County, a member of the Board of Directors of the Deaf, Dumb, and Blind Asylum, in place of himself, term expired.

C. Walter Gould, of the City and County of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of Robert A. Poppe, term expired.

H. E. Leland, of the City and County of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of John D. Mackenzie, resigned.

Rev. A. C. Bane, of the City and County of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of Herbert F. Dugan, resigned.

Rev. Wm. Lyons, of the City and County of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of Thomas H. Rooney, resigned.

Chas. P. Douglass, of San Diego County, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of J. E. O'Brien, resigned, and term expired.

Robert H. Benton, of San Diego County, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of George M. Hawley, resigned.

Dr. R. W. Hill, of Los Angeles County, a member of the State Board of Health, in place of himself, term expired.

Dr. W. B. Coffey, of the City and County of San Francisco, a member of the State Board of Health, in place of D. D. Crowley, term expired.

Dr. Franklin G. Fay, of Sacramento County, a member of the State Board of Health, in place of Wm. J. Hanna, term expired.

Dr. W. P. Matthews, of Sacramento County, a member of the State Board of Health, in place of himself, term expired.

Dr. C. A. Ruggles, of San Joaquin County, a member of the State Board of Health, in place of himself, term expired.

Dr. C. L. Gregory, of the County of Siskiyou, a member of the State Board of Health, in place of C. W. Nutting, term expired.

Dr. Winslow Anderson, of the City and County of San Francisco, a member of the State Board of Health, in place of himself, term expired.

F. W. Johnson, of Yuba County, a Trustee of the State Normal School at Chico, in place of himself, term expired.

Lee A. Phillips, of Los Angeles County, a Trustee of the State Normal School at Chico, in place of N. P. Conrey, resigned, and term expired.

John S. Collins, of Ventura County, a Trustee of the State Normal School at Chico, in place of himself, term expired.

Dr. H. C. Brown, of Santa Clara County, a Trustee of the State Normal School at Chico, in place of himself, term expired.

Frank W. Marston, of the City and County of San Francisco, a Trustee of the State Normal School at Chico, in place of George W. Pierce, term expired.

Dr. William J. Hawkins, of the City and County of San Francisco, a Trustee of the San Francisco State Normal School, in place of M. Cooney, deceased.

Vanderlynn Stow, of the City and County of San Francisco, a Trustee of the San Francisco State Normal School, in place of W. G. Jobson, term expired.

E. E. Swanton, of Los Angeles County, a Trustee of the State Normal School at San Diego, in place of L. J. Rose, Jr., resigned.

Warren R. Porter, of Santa Cruz County, a member of the State Board of Prison Directors, in place of Daniel E. Hayes, resigned, and term expired.

Dr. Walter Lindley, of Los Angeles County, a member of the Board of Trustees of the Whittier State School, in place of himself, term expired.

James Clarke, of Los Angeles County, a member of the Board of Trustees of the Whittier State School, in place of himself, term expired.

GEORGE C. PARDEE,
Governor of the State of California.

REPORT OF STANDING COMMITTEE.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 5, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 215—An Act to amend an Act entitled "An Act to regulate the employ-

ment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901.

Also: Senate Bill No. 9—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulation thereof," approved March 29, 1897.

Also: Senate Bill No. 80—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Also: Senate Bill No. 250—An Act to amend Section 1366 of the Political Code, relating to primary elections.

Also: Senate Bill No. 59—An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State, received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

Also: Senate Bill No. 160—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of this State.

Also: Senate Bill No. 4—An Act providing for the submission of the proposition of the license and sale, or prohibiting of the sale, of intoxicating liquors, to a vote of the people by municipal corporations of the fifth and sixth classes.

Also: Senate Bill No. 79—An Act to establish police courts in cities of the second class, to fix their jurisdiction, provide for officers of said court, and fix the compensation of the officers thereof.

Also: Senate Bill No. 137—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Also: Senate Bill No. 143—An Act regulating the hours of service on regular duty by members of the police department of cities of the first class, cities and counties, cities of the first and one-half class, and cities of the second class.

Also: Senate Bill No. 220—An Act to amend the municipal corporation bill, entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," and approved March 13, 1883, so as to change the time of beginning the assessment in cities of the sixth class.

Also: Senate Bill No. 269—An Act regulating the furnishing of light or power to incorporated cities, manner for payment for the same, and penalty for violation of the provisions of said Act.

Also: Senate Bill No. 355—An Act providing for the relief of J. H. Sawtell, directing the Board of Trustees of the City of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of one thousand one hundred and thirty (\$1,130.00) dollars, and interest thereon, and to audit the demand therefor; and directing the President of the said Board of Trustees of said city to issue his warrant for said sum of money, and the City Clerk of said city to countersign said warrant, and the Treasurer of said city to pay said warrant.

Also: Senate Bill No. 369—An Act to establish a uniform system to enable towns or municipalities of certain classes or districts to form water districts.

Also: Senate Bill No. 52—An Act to amend Section 742 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No. 53—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No. 290—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and all Acts amendatory thereof, by adding thereto a new section, to be known as Section 20¹/₂, relating to the employment of special counsel.

Also: Senate Bill No. 81—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence.

Also: I have examined the following: Senate Concurrent Resolution No. 5—Approving seven certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco at a special election held therein for that purpose on the fourth day of December, 1902.

Also: Senate Concurrent Resolution No. 8—Relative to the consent of the Legislature to the absence of His Excellency George C. Pardee, Governor of the State of California, from the State for more than sixty (60) days.

And report that the same have been correctly enrolled, and presented the same to the Governor on this fifth day of February, 1903, at three o'clock and forty-five minutes p. m.

HUBBELL, Chairman.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 5, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following bill, recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of forty-seven and thirty-five hundredths (\$47.35) dollars, in payment of the bills hereto attached, and the Treasurer is directed to pay the same.

Also:

Resolved, That the name of Wm. Kerr be stricken from the list of attachés of the Senate, and that the name of Geo. McCarthy be substituted therefor as Bill Clerk, at a compensation of \$4.00 per day; and the Controller of State is hereby authorized and directed to draw his warrant, weekly, in favor of said Geo. McCarthy for such compensation, and the Treasurer of State is hereby directed to pay the same out of the Contingent Fund of the Senate; said substitution to date from February 1, 1903.

Have had the same under consideration, and respectfully report the same back, and recommend that the following substitute be adopted:

Resolved, That the Secretary of Senate be and he is hereby authorized and directed to substitute the name of Geo. McCarthy, on the payroll as Bill Clerk, for Wm. Kerr, and the Controller is hereby directed to draw his warrant in favor of Geo. McCarthy for any moneys now due Wm. Kerr.

Also:

Resolved, That the name of Elmer E. Cottle be stricken from the list of attachés of the Senate, and that the name of Frank Armstrong be substituted therefor as Assistant Minute Clerk, at a compensation of \$6.00 per day; and the Controller of State is hereby authorized and directed to draw his warrant, weekly, in favor of said Frank Armstrong for such compensation, and the Treasurer of State is hereby directed to pay the same out of the Contingent Fund of the Senate; said substitution to date from February 1, 1903.

Have had the same under consideration, and respectfully report the same back, and recommend that the following substitute be adopted:

Resolved, That the Secretary of Senate be and he is hereby authorized and directed to substitute the name of Frank Armstrong, on the payroll as Assistant Minute Clerk, for Elmer E. Cottle; and the Controller is hereby authorized and directed to draw his warrant in favor of Frank Armstrong for any moneys now due Elmer E. Cottle.

FLINT, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Selva, Smith, Tyrrell of Nevada, Ward, and Williams—29.

NOES—None.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 4, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 236—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUKENS, Chairman.

Senate Bill No. 236 ordered on file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 5, 1903.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 2—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

BAUER, Chairman.

Senate Bill No. 2 ordered on file.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 5, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Assembly Bill No. 99—An Act to amend Section 1 of an Act entitled "An Act to form

agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

BYRNES, Chairman.

Assembly Bill No. 99 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 5, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

Also: Senate Bill No. 34—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Also: Senate Bill No. 84—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals.

Also: Senate Bill No. 298—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402½, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Also: Senate Bill No. 241—An Act to amend Sections 2293, 2295, and 2298 of the Political Code, relating to the State Library.

HUBBELL, Chairman.

INTRODUCTION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

The following constitutional amendment was introduced:

By Senator Hubbell: Senate Constitutional Amendment No. 19—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employes of the Senate and House, and providing for biennial and special sessions of the Legislature.

Referred to Committee on Constitutional Amendments.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee on contested election was read and referred to Committee on Contingent Expenses and Mileage:

SENATE CHAMBER, SACRAMENTO, February 5, 1903.

MR. PRESIDENT: Your special committee, to whom was referred the matter of the contested election case of J. A. Hubbard vs. Clifford Coggins, for the seat in the Senate from the Second Senatorial District of the State of California, beg leave to report as follows:

Said committee have had the bills of the contestant and contestee under consideration, and we respectfully recommend that the following expenses be allowed:

To the Contestee.

Messrs. Reid, Dozier & Carr, attorneys' fees	\$250 00
Clifford Coggins, expenses	250 00

To the Contestant.

Elwood Bruner, attorney's fees	\$75 00
Shanahan, Braynard & Estep, attorneys' fees	175 00
J. A. Hubbard, expenses	250 00
George J. Cleary, stenographer and transcribing notes	21 00
W. M. Cutter, stenographer and transcribing notes	12 00
W. C. Ralston, telegrams	2 25

And your committee respectfully recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant

in favor of the following-named persons for the amounts set opposite their names, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same, viz.:

Reid, Dozier & Carr.....	\$250 00
Clifford Coggins.....	250 00
Elwood Bruner.....	75 00
Shanahan, Braynard & Estep.....	175 00
J. A. Hubbard.....	250 00
George J. Cleary.....	21 00
W. M. Cutter.....	12 00
W. C. Ralston.....	2 25

RALSTON, Chairman.

SENATE BILL AMENDED BY SPECIAL COMMITTEE.

Committee Substitute for Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among steam engineers in the State of California.

Bill having been referred to a special committee to amend, was reported back with the following substitute for Section 1 of the bill:

SECTION 1. On or after July 1, 1903, it shall be unlawful for any person to engage in the practice of steam engineering, to commence such practice unless he shall have obtained a certificate hereinafter provided, except that engineers upon locomotives, motor road vehicles, boilers in private residences, boilers in apartment houses of not more than five flats, boilers under the jurisdiction of the United States, boilers of not more than four horse-power, threshing engines, and boilers used for heating purposes exclusively, and dredgers and reclamation district pumping plants, and engineers running hoists at mines and river steamboat landings, and engineers on donkey and bull engines used in lumber camps, and all engineers working on pumping plants up to fifty horse-power; *provided*, that this exception shall not apply to water pumping plants when the pumped water is to be used for power.

Amendment adopted.

Bill ordered to print, engrossment, and third reading

ADJOURNMENT.

At four o'clock and fifty minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,

Friday, February 6, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 5, 1903, the further reading was dispensed with, on motion of Senator Selvage.

APPROVAL OF JOURNAL.

The Journal of Tuesday, February 3, 1903, having been corrected, was read and approved.

LEAVES OF ABSENCE.

Senator Lardner was, on motion of Senator Selvage, granted leave of absence for the day.

Senator Flint was, on motion of Senator Luchsinger, granted leave of absence for the day.

PETITION.

Senator Coggins presented the following petition, which was ordered printed in the Journal, down to and including the sixth name:

PETITION FOR A SUNDAY LAW.

To the Honorable the Senate and Assembly of the State of California:

We, the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest, by prohibiting, with adequate penalties, all unnecessary labor and business, Seventh Day worshipers excepted, and all barbarous, unseemly or noisy amusements.

The above was indorsed by vote by a meeting of the M. E. Church in the town of Olinda, State of California, on December 28, 1902, and the undersigned were authorized to so attest.

SAMUEL HILTON, Presiding.

(Signed:) A. J. Fulmer, M. A. Montgomery, R. W. Buffum, C. R. Tidd, L. J. Walters, J. P. Erhart, and nineteen others.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 5, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 93—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart and to the effect as evidence of certified copies of the records of the same.

Also: Senate Bill No. 104—An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon the President or Vice-President of the United States, the Governor of any State or Territory, any United States Justice or Judge, or the Secretary of any Executive Department of the United States, a felony, and providing a penalty therefor.

Also: Senate Bill No. 254—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies

to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employes who shall violate or attempt or threaten to violate the provisions of this Act—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute herewith submitted be adopted and do pass.

LUKENS, Chairman.

Senate Bills Nos. 93, 104, 254, and 199 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 5, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 196—An Act to amend Section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent—have had the same under consideration, and respectfully report the same back, and recommend that the bill be amended, and as amended do pass.

Also: Senate Bill No. 252—An Act to amend an Act entitled "An Act to protect the owners of bottles, boxes, siphons and kegs used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, by adding thereto a new section after Section 4 thereof, relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof.

Also: Senate Bill No. 253—An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks.

Also: Senate Bill No. 257—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LUKENS, Chairman.

Senate Bills Nos. 196, 252, 253, and 257 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 6, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 185—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 76—An Act appropriating \$300 to pay the reward to C. W. King for the arrest of "Indian Dick Hutchings," sometimes called "Indian Dick," for the murder of "Tyner Bill"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DEVLIN, Chairman.

Assembly Bill No. 185 and Senate Bill No. 76 ordered on file.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 6, 1903.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 256—An Act to repeal Section 667 of the Penal Code of the State of California, in reference to punishment for second offenses, have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 300—An Act appropriating money for the purchase of bedding, furniture, and carpets for the use of the Preston School of Industry.

Also: Senate Bill No. 301—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to Committee on Finance.

JOHN R. TYRRELL, Chairman.

Senate Bills Nos. 256, 300, and 301 ordered on file.

MOTION.

Senator Ralston moved that when the Senate adjourn on this day it do so until Monday, February 9, 1903, at ten o'clock A. M.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Knowland: Senate Bill No. 483—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Bill read first time, and referred to Committee on Judiciary.

By Senator Corlett: Senate Bill No. 484—An Act to pay the claim of James Donahue against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Emmons (by request): Senate Bill No. 485—An Act to add a new section to the Penal Code, to be known as and numbered 578½, relating to dealing in options, and repealing all Acts and parts of Acts in conflict herewith, and providing a penalty for the violation of the provisions thereof.

Bill read first time, and referred to Committee on Judiciary.

By Senator Nelson: Senate Bill No. 486—An Act to amend Sections 1036 and 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California.

Read first time, and referred to Committee on Judiciary.

By Committee on Code Revision: Senate Bill No. 487—An Act to repeal Articles I and II of Chapter II of Title XI of Part III of the Code of Civil Procedure, and each and every section of said Articles I and II, and to substitute new Articles I and II, to take the place thereof in said Code, and relating to the probate of wills.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 488—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 489—An Act to amend Sections 1327, 1328, 1329, and 1330 of the Code of Civil Procedure, all relating to the contesting of wills after probate.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 490—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 491—An Act to amend Sections 1349, 1350, 1351, and 1356 of the Code of Civil Procedure, all relating to letters testamentary and of administration with the will annexed.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 492—An Act to amend Sections 1366, 1367, 1368, 1371, 1375, and 1383, and to repeal Section 1379 of the Code of Civil Procedure, all relating to letters of administration.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 493—An Act to amend Sections 1412, 1415, and 1417 of the Code of Civil Procedure, relating to special administrators, and their powers and duties.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 494—An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 495—An Act to amend Section 1426 of the Code of Civil Procedure, relating to grants of letters of administration with the will annexed.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 496—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 497—An Act to amend Sections 1443, 1445, and 1447 of the Code of Civil Procedure, all relating to the inventory and appraisement of the estates of decedents.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 498—An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of the property of deceased persons.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 499—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons in savings banks.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 500—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of property of decedents.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 501—An Act to amend Sections 1464, 1465, 1466, 1468, and 1470 of the Code of Civil Procedure, all relating to provisions for the support of the families of deceased persons.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 502—An Act to repeal Article II of Chapter V of Title XI of Part III of the Code of Civil Procedure, and to substitute a new Article II to take the place thereof in said Code, relating to proceedings to set aside homesteads.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 503—An Act to repeal Chapter VI of Title XI of Part III of the Code of Civil Procedure, and to substitute a new Chapter VI to take the place thereof in said Code, relating to claims against the estates of decedents.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 504—An Act to amend Sections 1518, 1522, 1524, 1537, 1540, 1543, 1544, 1552, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1527, all relating to the sale of the property of deceased persons.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 505—An Act to amend Sections 1582, 1583, 1584, 1587, 1589, and 1591 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1592, all relating to the powers and duties of executors and administrators.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 506—An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

Bill read first time, and ordered on file without reference to committee.

By Senator Wolfe: Senate Bill No. 507—An Act to provide for the licensing and inspection of maternity hospitals, lying-in asylums, and homes for children, defining the duties of persons conducting the same, and the duties and powers of the County Boards of Health or County Health Officers, and other Health Officers in relation thereto, and providing a penalty for the violation of its provisions.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Muentert: Senate Bill No. 508—An Act to amend Section 3 of an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Wolfe: Senate Bill No. 509—An Act to appropriate the sum of \$142.50 to pay the claim of F. Phillips for money due and owing the said F. Phillips from the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Selva: Senate Bill No. 510—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 511—An Act to provide for locating and surveying a State highway from a point on the Trinity River in Trinity County near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

Also: Senate Bill No. 512—An Act to amend Section 1616 of the Code of Civil Procedure, of the State of California relating to the settlement of estates of deceased persons, allowance of necessary expenses in the settlement of the estate, including premiums paid for official bonds.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hubbell: Senate Bill No. 513—An Act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.

Bill read first time, and referred to Committee on Judiciary.

By Senator Oneal: Senate Bill No. 514—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 36 thereof, relating to the powers and duties of Boards of Supervisors.

Bill read first time, and referred to Committee on County Government.

By Senator Byrnes: Senate Concurrent Resolution No. 11—Relative to approving the charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 30th day of August, 1902.

Referred to Committee on Municipal Corporations.

By Senator Emmons: Senate Bill No. 515—An Act to add a new section to the Penal Code of the State of California, to be numbered 654½, for the purpose of preventing baiting for game.

Bill read first time, and referred to Committee on Fish and Game.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the report of Committee on Executive Communications, relative to confirmation of nominations by the Hon. Henry T. Gage, having been set as a special order for this hour, the same was taken up.

The question being on the confirmation of the nominations.

Senator Leavitt moved the previous question.

The question being: "Shall the main question be now put?"

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—30.

NOES—Senator Rowell—1.

The President put the question, "Will the Senate advise and consent to the appointment of W. E. Gerber, of Sacramento County, Fish Commissioner, in place of Alex. Vogelsang, term expired?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, French, Hahn, Hubbell, Knowland, Leavitt, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, and Wolfe—31.

NOES—None.

Whereupon the President announced that the appointment of W. E. Gerber, of Sacramento County, Fish Commissioner, in place of Alex. Vogelsang, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of John C. Kirkpatrick, of the City and County of San Francisco, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of P. J. Harney, term expired?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, French, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—34.

NOES—None.

Whereupon the President announced that the appointment of John C. Kirkpatrick, of the City and County of San Francisco, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of P. J. Harney, term expired, was duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of John D. Mackenzie, of Santa Clara County, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of Rudolph Herold, Jr., term expired?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, French, Greenwell, Hahn, Knowland, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—32.

NOES—None.

Whereupon the President announced that the appointment of John

D. Mackenzie, of Santa Clara County, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of Rudolph Herold, Jr., term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of E. Myron Wolfe, of the City and County of San Francisco, Insurance Commissioner, in place of Andrew J. Clunie, term expired?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—34.

NOES—None.

Whereupon the President announced that the appointment of E. Myron Wolfe, of the City and County of San Francisco, Insurance Commissioner, in place of Andrew J. Clunie, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Honorable M. L. Ward, of San Diego County, a Trustee of the State Normal School at San Diego, in place of Z. B. West, term expired?"

The roll was called, with the following result:

AYES—Senator Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, French, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, and Wolfe—33.

NOES—None.

Whereupon the President announced that the appointment of the Honorable M. L. Ward, of San Diego County, a Trustee of the State Normal School at San Diego, in place of Z. B. West, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of the Honorable Robert T. Devlin, of Sacramento County, a member of the State Board of Prison Directors, in place of himself, term expired?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—32.

NOES—None.

Whereupon the President announced that the appointment of the Honorable Robert T. Devlin, of Sacramento County, a member of the State Board of Prison Directors, in place of himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Garrett W. McEnerney, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of Stephen M. White, deceased?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pen-

dleton, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—31.

NOES—None.

Whereupon the President announced that the appointment of Garrett W. McEnerney, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of Stephen M. White, deceased, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Dr. C. N. Ellinwood, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of A. S. Hallidie, deceased?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—30.

NOES—None.

Whereupon the President announced that the appointment of Dr. C. N. Ellinwood, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of A. S. Hallidie, deceased, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Charles S. Wheeler, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of Albert Miller, deceased?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, and Wolfe—28.

NOES—None.

Whereupon the President announced that the appointment of Charles S. Wheeler, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of Albert Miller, deceased, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of I. W. Hellman, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of himself, term expired?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, French, Greenwell, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, and Wolfe—27.

NOES—None.

Whereupon the President announced that the appointment of I. W. Hellman, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of himself, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Guy C. Earl, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of W. T. Wallace, term expired?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, French, Greenwell, Hahn, Knowland, Luchsinger, Lukens, Nelson, Plunkett, Ralston, Rowell,

Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—27.

NOES—None.

Whereupon the President announced that the appointment of Guy C. Earl, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of W. T. Wallace, term expired, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of Rev. Peter C. Yorke, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of W. H. L. Barnes, deceased?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Corlett, Curtin, Devlin, Diggs, French, Greenwell, Leavitt, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—27.

NOES—Senators Caldwell, Coggins, Luchsinger, and Ralston—4.

Whereupon the President announced that the appointment of Rev. Peter C. Yorke, of the City and County of San Francisco, a member of the Board of Regents of the University of California, in place of W. H. L. Barnes, deceased, had been duly confirmed.

The President put the question, "Will the Senate advise and consent to the appointment of J. W. McKinley, of Los Angeles County, a member of the Board of Regents of the University of California, in place of Arthur Rodgers, deceased?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—34.

NOES—None.

Whereupon the President announced that the appointment of J. W. McKinley, of Los Angeles County, a member of the Board of Regents of the University of California, in place of Arthur Rodgers, deceased, had been duly confirmed.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, February 7, 1903.

MR. PRESIDENT: Your Committee on Executive Communications, having had under consideration the name of C. F. A. Last, of Los Angeles County, for Brigadier-General, First Brigade, beg leave to report the same back, and recommend that the Senate advise and consent to his appointment.

LEAVITT, Chairman.

On motion of Senator Leavitt, the Senate proceeded to consider the appointment of General C. F. A. Last.

The President put the question, "Will the Senate advise and consent to the appointment of C. F. A. Last as Brigadier-General of the First Brigade, N. G. C.?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage,

Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—34.

NOES—None.

Whereupon the President announced that the appointment of C. F. A. Last as Brigadier-General of the First Brigade, N. G. C., had been duly confirmed.

ANNOUNCEMENT BY PRESIDENT.

The President announced that the telegraphic communication received by him from the Legislature of New Mexico, and printed on page two of yesterday's Journal, as a matter of courtesy required an answer, and suggested that the Senate take action thereon.

On motion, the communication was referred to Committee on Federal Relations to prepare an answer.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Wolfe:

Resolved, That Assembly Bill No. 185 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution was suspended and the resolution adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Wolfe—28.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 185—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 185 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 21—An Act creating a fund for the benefit and support of high schools, and providing for its distribution.

Read third time.

Senator Rowell moved to refer to Senator Ward, as a special committee of one, to amend as follows:

Amend section one, line four, page one, by striking out the word "two," and inserting the following: "one and one half."

Also: Amend section one, line eighteen, page two, by striking out the word "twenty," and inserting in lieu thereof the following: "fifteen."

Also: Amend section five, line twenty-four, page three, by inserting after the word "pupils," the words "and but one teacher."

Also: Amend section nine, page five, at end of line twenty, by adding after the word "fee," the words "if such schools have room or accommodations for them."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 6, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 21, with instructions to amend, respectfully reports the same back, amended as per instructions.

WARD, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

SECOND READING OF BILLS—(OUT OF ORDER).

On motion of Senator Tyrrell of Nevada, the following bills were taken up for second reading:

Senate Bill No. 261—An Act to create and establish a commission to revise, systematize and reform the laws of this State, and also the rules and regulations governing and pertaining to the National Guard of California, and for the appointment of the members of the said commission, to be known as "The Commissioners for the Revision and Reform of the Laws, Rules and Regulations Governing the National Guard of California," and to prescribe their powers and duties, and to provide for the expenses of said commission, and to appropriate money therefor.

Senate Bill No. 307—An Act authorizing the mustering and attaching to the National Guard of California of a company of engineers, and providing for their equipment and maintenance.

Senate Bill No. 317—An Act to amend Section 1993 of the Political Code of the State of California, relating to bands of music for the National Guard of California, and to the organization and uniforming of such bands.

CONSIDERATION OF SENATE BILL No. 261.

Senate Bill No. 261—An Act to create and establish a commission to revise, systematize, and reform the laws of this State, and also the rules and regulations governing and pertaining to the National Guard of California, and for the appointment of the members of the said commission, to be known as "The Commissioners for the Revision and Reform of the Laws, Rules and Regulations Governing the National Guard of California," and to prescribe their powers and duties, and provide for the expenses of said commission, and to appropriate money therefor.

During second reading of bill, the following committee substitute for Senate Bills Nos. 261, 307, and 317 was submitted:

COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 261, 307, AND 317.

An Act to amend and re-enact sections one thousand nine hundred and twelve, one thousand nine hundred and thirteen, one thousand nine hundred and fifteen, one thousand nine hundred and eighteen, one thousand nine hundred and twenty-eight, one thousand nine hundred and seventy, one thousand nine hundred and seventy-three, one thousand nine hundred and seventy-four, two thousand and nine, two thousand and twenty-two, two thousand and thirty-one, two thousand and seventy-six, two thousand and eighty-two, two thousand and ninety-four, and to repeal sections two thousand and three, as amended April 1, 1897, and two thousand and three duplicate as amended March 11, 1897, two thousand and four, two thousand and six, two thousand and forty, two thousand and fifty, and two thousand and ninety-nine of the Political Code, relating to the State Militia, and to conform the State Militia to the provisions of an Act of Congress approved January 21, 1903, entitled "An Act to promote the efficiency of the militia and for other purposes."

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one thousand nine hundred and twelve of the Political Code is hereby amended and re-enacted so as to read as follows:

Section 1912. The organized and uniformed militia of the State of California shall be known as the National Guard of California and the Naval Militia of California. The National Guard of California shall be organized as one brigade and be commanded by a brigadier-general; and shall be organized, equipped and maintained as near as possible in conformity with the provisions of an Act of Congress of the United States, approved January 21, 1903, entitled "An Act to promote the efficiency of the militia and for other purposes." This force, including the Naval Militia, shall not exceed sixty-five companies, troops, signal corps and divisions, and shall contain forty-six companies of infantry, four troops of cavalry, four companies of coast artillery, one company of engineers, three signal corps, seven divisions of Naval Militia and the medical department. The National Guard and Naval Militia must be located throughout the State with reference to military wants, means of concentration, and other military requirements.

The word "division" as used in this section in connection with the Naval Militia shall have the same meaning and effect as "company" when used in connection with "infantry," and the Naval Militia shall receive its proportion of any appropriation made for the support of the National Guard.

SEC. 2. Section one thousand nine hundred and thirteen of the Political Code is hereby amended and re-enacted so as to read as follows:

Section 1913. The Commander-in-Chief, the Adjutant-General and the Brigadier-General shall constitute a board of location and organization of the National Guard, with power to transfer, attach and consolidate or disband companies, and to organize and reorganize at pleasure, regiments and battalions.

SEC. 3. Section one thousand nine hundred and fifteen of the Political Code is hereby amended and re-enacted so as to read as follows:

Section 1915. All commissioned officers of the staff of the Commander-in-Chief, the Adjutant-General and the Brigadier-General, and the officers of their respective staffs, belong to the National Guard and are at all times subject to be called into active service by the Commander-in-Chief, and, when called into active service, must serve. Every officer must be called and mustered according to commission.

SEC. 4. Section one thousand nine hundred and eighteen of the Political Code is hereby amended and re-enacted so as to read as follows:

Section 1918. The Commander-in-Chief, by and with the advice and consent of the Senate, must appoint one Brigadier-General, who shall command the National Guard of California, and who must be a citizen of the United States and of this State, have served at least four years as an officer either in the National Guard of California or in the United States military service, or in both, two years of which service shall have been as a field officer; *provided*, that any person who has served as Brigadier-General in the National Guard of California for a period of eight years, or more, shall be exempt from the provisions of this section.

SEC. 5. Section one thousand nine hundred and twenty-eight of the Political Code is hereby amended and re-enacted so as to read as follows:

Section 1928. Every commissioned officer who absents himself from the State for more than thirty days without the permission of the Commander-in-Chief is deemed to have resigned, and such resignation shall be announced in orders from the Adjutant-General's office immediately after the fact of such absence becomes officially known.

SEC. 6. Section one thousand nine hundred and seventy of the Political Code is hereby amended and re-enacted so as to read as follows:

Section 1970. The Commander-in-Chief shall order an annual inspection and muster of the National Guard and Naval Militia.

SEC. 7. Section one thousand nine hundred and seventy-three of the Political Code is hereby amended and re-enacted so as to read as follows:

Section 1973. 1. Any commissioned officer who has become disabled and incapable of longer performing the active duties of his office may, upon his own application, be placed upon the retired list; *provided*, that such disability may have been incurred while in the performance of duty.

2. If an officer, for either of the above reasons, desires to be placed upon the retired list, he shall make application to the brigade commander to appoint a board of surgeons, who shall examine him as to his disability, and if such disability has not been incurred by reason of any dereliction, the board shall, if they deem proper, recommend that his application be granted; and upon approval of such application by the brigade commander and the Commander-in-Chief, the Adjutant-General shall issue orders retiring such officer.

3. Any commissioned officer who shall serve in the National Guard of this State for a continuous period of eight years, or for a period not continuous of ten years, may, upon his own application, be placed upon the retired list and withdrawn from active service and command with the rank held by him at the time such application is made. And any commissioned officer who shall have at any time heretofore served as such in the militia or National Guard of this State for a continuous period of eight years, shall, upon his own application and due proof of such service, be placed upon the retired list with the rank held by him at the time of the expiration of his commission. Upon application, as above provided, being duly made and approved, the Commander-in-Chief shall cause orders to be issued retiring the officer who makes application therefor in accordance with the provisions of this section; *provided, however*, that nothing herein contained shall be construed to permit the placing upon the retired list of any officer who shall have been dishonorably dismissed from the service.

4. The officers on the retired list shall only be subject to detail for duty by orders from the Commander-in-Chief; and he shall cause to be issued such orders as he may deem necessary, detailing them for duty upon boards of officers for military purposes, courts-martial, and courts of inquiry, and for such other military duties as, in his judgment, may be advisable. When, however, officers on the retired list are detailed for active duty other than upon boards of officers, courts-martial, and courts of inquiry, they shall only be entitled to the rank which properly belongs to the office, the duties of which they are detailed to perform. When the duty ends, or the detail is canceled, the officer shall again return to the retired list with his former retired rank. A roster of all officers on the retired list shall be kept in the Adjutant-General's office.

5. Officers on the retired list shall, on all occasions of duty, and all occasions of ceremony, take rank next to officers of like rank upon the active list.

SEC. 8. Section one thousand nine hundred and seventy-four of the Political Code is hereby amended and re-enacted so as to read as follows:

Section 1974. 1. Every elected or staff officer of the National Guard and Naval Militia must, upon his appointment or re-appointment, election or re-election, to any office in the National Guard or Naval Militia, appear before an examining board for examination as to his qualifications for the office to which he has been appointed or re-appointed, elected or re-elected; *provided*, that the provisions of this section do not apply to surgeons, judges-advocate, chaplains, or the staff of the Commander-in-Chief.

2. Such boards, to meet the requirements of the service, consisting of not less than three officers, shall be appointed by the Commander-in-Chief, and shall be removed at his pleasure;

3. The officer duly appointed to preside at any election shall, immediately after declaring the result of such election, notify the officer or officers elected, that they must appear before the examining board for examination when notified by that board;

4. If the officer elected or re-elected, and duly notified, does not appear before the said examining board when summoned by them, he shall be deemed to have declined his commission, and there shall be another election ordered. The filing of a proper certificate of said board with the officer ordering the election, that the officer has failed to pass an examination, or declined to appear before the board when notified, shall be deemed sufficient for ordering a new election.

SEC. 9. Section two thousand and nine of the Political Code is hereby amended and re-enacted so as to read as follows:

Section 2009. The medical department of the National Guard of California is hereby organized into a sanitary corps, which shall consist of one Surgeon-General, with the rank of colonel, who shall be the executive head of the corps, and such number of commissioned officers, non-commissioned officers, and privates as may be required to furnish an efficient service for the organized strength of the National Guard.

2. The commissioned officers of the sanitary corps shall be determined by the organization of the National Guard, to wit: One assistant surgeon-general, with the rank of lieutenant-colonel, who shall be chief surgeon of the brigade; for each organized regiment, one surgeon, with the rank of major; and an assistant surgeon, with the rank of captain, for each battalion.

3. The Commander-in-Chief is hereby authorized to prescribe the number of hospital stewards, acting hospital stewards, and privates constituting the corps.

4. The appointment of the commissioned officers of the sanitary corps shall be made by the Commander-in-Chief, upon the recommendation of the brigade, regimental, or battalion commanders.

5. No person shall receive the appointment of surgeon unless he is a licensed graduate of a medical school, and unless he shall have been examined and approved by a medical board, consisting of not less than three surgeons, designated by the Commander-in-Chief, upon the recommendation of the Surgeon-General.

6. Assignments of commissioned and non-commissioned officers or privates of the sanitary corps may be made, and their duties prescribed by the Commander-in-Chief, upon the recommendation of the Surgeon-General.

7. Privates of the sanitary corps shall do duty as cooks, nurses, and attendants in hospitals, and as stretcher-bearers and ambulance-drivers and attendants in the field, and such other duties as may be required of them by proper authority.

8. The sanitary corps shall be equipped and uniformed the same as the same department in the United States Army. The funds to be expended by this department shall be expended by the authority of the Commander-in-Chief, upon the recommendation of the Surgeon-General.

SEC. 10. Section two thousand and twenty-two of the Political Code is hereby amended and re-enacted so as to read as follows:

Section 2022. The Commander-in-Chief may annually order an encampment for discipline and drill, either by brigade, regiment, battalion, or unattached company, for a period not less than five days; and all the expenses of such encampment, including transportation, to be borne by the State, when not otherwise provided.

SEC. 11. Section two thousand and thirty-one of the Political Code is hereby amended and re-enacted so as to read as follows:

Section 2031. The Adjutant-General, the Inspector-General of Rifle Practice, and the Brigade Inspector of Rifle Practice shall have power to prescribe rules and regulations for target practice, which, after being approved by the Commander-in-Chief, shall govern all target practice held under and by virtue of orders issued by the Commander-in-Chief.

SEC. 12. Section two thousand and seventy-six of the Political Code is hereby amended and re-enacted so as to read as follows:

Section 2076. The following officers may appoint courts-martial:

1. The Commander-in-Chief for the trial of all officers of the National Guard and Naval Militia, retired officers and all officers of the staff of the Commander-in-Chief.

2. The Brigadier-General for the trial of all officers and soldiers of the brigade.

3. The commanding officers of regiments, of the Naval Militia, and of unattached battalions, for the trial of all warrant officers and enlisted men in their respective commands. For the trial of enlisted men of regiments or battalions, the commanding officer thereof may at any time appoint a summary court-martial, to consist of one officer whose rank is not below that of a Captain, if in the National Guard, or if in the Naval Militia that of Lieutenant. For the trial of enlisted men of unattached companies, troops, or batteries, the brigade commander may, at any time, appoint a summary court-martial, to consist of a First Lieutenant.

SEC. 13. Section two thousand and eighty-two of the Political Code is hereby amended and re-enacted so as to read as follows:

Section 2082. Courts of inquiry may be ordered by the Commander-in-Chief or Brigadier-General.

SEC. 14. Section two thousand and ninety-four of the Political Code is hereby amended and re-enacted so as to read as follows:

Section 2094. There must be audited and allowed by the Board of Military Auditors, and paid out of the appropriation for military purposes, upon the warrant of the State Controller, to the commanding officer of each infantry, coast artillery, and engineer company of the National Guard, the sum of one hundred dollars per month; and to the commanding officer of each troop of cavalry, the sum of two hundred dollars per month; and to the commanding officer of each division of the Naval Militia, the sum of one hundred dollars per month; the sum so paid to be used for armory rent, care of arms, and proper incidental expenses of the company. There must also be audited, allowed, and paid out of the same appropriation, to the commanding officer of each regiment or battalion, the sum of six dollars per month for each company in his command, for clerical expenses, stationery, printing, postage, and proper incidental expenses; and if the regiment or battalion has four companies or more, and has attached to it an organized and uniformed band of not less than twenty men, the additional sum of thirty-five dollars per month for such band; to the Brigadier-General, fifteen hundred dollars per annum, for the expense of maintaining brigade headquarters; and to the Adjutant-General, eight thousand dollars per annum, to be expended by him in promoting rifle practice.

There must be audited and allowed by the Board of Military Auditors, and paid out of the appropriation for military purposes, to the surgeon in charge of each detachment of the sanitary corps on duty with a regiment, and to the chief surgeon of the Naval Militia, the sum of fifty dollars per month, for rent and proper incidental expenses of such detachment. Demand shall be made and presented in the same manner as for the expenses of a company of the National Guard.

SEC. 15. Section two thousand and three, as amended April 1, 1897, section two thousand and three duplicate, as amended March 11, 1897, sections two thousand and four, two thousand and six, two thousand and forty, two thousand and fifty, and two thousand and ninety-nine of the Political Code are hereby repealed.

SEC. 16. This Act shall take effect on the first day of July, nineteen hundred and three.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Hahn:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed and directed to purchase for the Senate forty (40) copies of the Index to California Laws, from the Secretary of State, and for that purpose the sum of \$180 is hereby appropriated out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

At eleven o'clock and thirty minutes A. M., Hon. W. C. Ralston, Senator from the Tenth Senatorial District, in the chair.

Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 312 passed by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Corlett, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Hubbell, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Selva, Shortridge, Ward, Williams, and Wolfe—24.

NOES—Senator Savage—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 290—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 290 passed by the following vote:

AYES—Senators Bunkers, Coggins, Corlett, Curtin, Emmons, French, Greenwell, Hahn, Hubbell, Leavitt, Luchsinger, Nelson, Oneal, Ralston, Savage, Selva, Shortridge, Ward, Welch, Williams, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 81—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children, prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 81 passed by the following vote:

AYES—Senators Bauer, Bunkers, Coggins, Corlett, Curtin, Emmons, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Ward, Williams, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 84—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 84 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Curtin, Diggs, Emmons, French, Greenwell, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Ralston, Rowell, Sanford, Ward, Welch, Williams, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 298—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402½, relating to the furnishing and erecting of unsafe and improper scaffolding or mechanical contrivances.

On motion of Senator French, was referred to Committee on Judiciary, and to retain its place on file.

Senate Bill No. 241—An Act to amend Sections 2293 and 2298 of the Political Code, relating to the State Library.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 241 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Shortridge, Ward, Welch, Williams, and Wolfe—26.

NOES—Senator Emmons—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 9—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.

Read third time.

On motion of Senator Wolfe, was referred to the San Francisco delegation, and to retain place on file.

Senate Bill No. 80—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 80 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, French, Greenwell, Hahn, Hubbell, Knowland, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Williams, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 250—An Act to amend Section 1366 of the Political Code, relating to primary elections.

Read third time.

Senator Welch moved to refer to Senator Devlin, as a special committee of one, to amend as follows:

Amend section one, line one, by inserting the following words: "of the Political Code of the State of California."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 6, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 250, with instructions to amend, respectfully reports the same back, amended as per instructions.

DEVLIN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

At twelve o'clock and twenty-five minutes P. M., Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

NOTICE OF MOTION TO RECONSIDER.

Senator Oneal gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 290 was this day passed.

BILL RECALLED FROM COMMITTEE.

On motion of Senator Ward, Senate Bill No. 138—An Act relating to the payment of trial jurors in Superior Courts—was ordered recalled from committee for the purpose of withdrawing the same.

ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Monday, February 9, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.
Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 6, 1903, the further reading was dispensed with, on motion of Senator Selvage.

APPROVAL OF JOURNALS.

The Journals of Wednesday, February 4, and Thursday, February 5, 1903, having been corrected, were read and approved.

COMMUNICATIONS.

The President announced that he had received the following communications, which were read and ordered printed in the Journal:

CALIFORNIA STATE BOARD OF TRADE, }
SAN FRANCISCO, CALIFORNIA, February 6, 1903. }

DEAR SIR: As you are probably aware, a bill has been introduced in the present Legislature at the instance of the California Water and Forest Association, which bill was prepared by a commission appointed by said association and is commonly known as the "Irrigation Bill." The matters involved in this bill are of the utmost importance to the citizens of the State of California at large, and it seems but meet and proper that a full and impartial discussion should be held, to the end that the people generally may become acquainted with the provisions of the bill and the results that would accrue through its enactment into a law. With that end in view, the commercial organizations of the State of California are cordially invited to send delegates to a joint meeting of such organizations to be held for the purpose of such discussion, which meeting will be held in Pioneer Hall, Seventh street, City of Sacramento, on Tuesday, the 17th of February, 1903, at 2 p. m. You are at liberty to send as many delegates as you desire, but it is suggested that three should fill all the requirements of each organization.

Delegates attending the meeting can make the round trip for one fare. They will pay their full fare to Sacramento and take a receipt for same from railroad agent at time of purchase. Such receipt must be certified to by the secretary of the meeting at Sacramento before the return ticket can be secured.

A very large proportion of the State of California has not prospered as it should. There is no question that it is necessary for California, before attaining the full limit of her development, to make a proper and beneficial use of the waters that nature has given her.

We, therefore, representing the commercial bodies of San Francisco, which is as vitally interested in the welfare of the State as the country, take this means of calling your attention to the importance of the subject.

Faternally yours,

N. P. CHIPMAN,
Pres. State Board of Trade.
GEO. W. MCNEAR,
Pres. Merchants' Exchange.
GEO. A. NEWHALL,
Pres. S. F. Chamber of Commerce.

Attest: J. A. FILCHER,
Sec. State Board of Trade.

SAN FRANCISCO, CAL., February 6, 1903.

To the Honorable the President of the Senate, at Sacramento, Cal.:

We, the International Union of Steam Engineers' Local No. 64, of San Francisco, Cal., do most earnestly protest against the passage of Senate Bill No. 62, for licensing steam engineers, as introduced and sought to be passed by Hon. Senator French in the Senate, now in session at Sacramento, because we have ordinances in San Francisco, Los Angeles, and San José. Oakland has also begun on its ordinance, and will soon have it finished. These city ordinances contain all the good features of Senate Bill No. 62. This bill was gotten up by parties outside of the engineers, and is a job-chasing bill, not indorsed by union engineers generally.

[SEAL.]

By order,

W. J. HOLMAN, President.
IRVING P. HENNING, Recording Secretary.

SAN FRANCISCO, February 6, 1903.

The Honorable President of the Senate :

SIR: The Hoisting and Portable Engineers' Union, Local 59, of International Union of Steam Engineers, residents of San Francisco and Alameda counties, do most earnestly protest against the passage of Senate Bill No. 62 as introduced by the Hon. Senator French in the Senate, now in session at Sacramento, California, because there is an ordinance in the cities of San Francisco, Los Angeles and San José; and Oakland soon will have one. These ordinances contain all the good features mentioned in Senate Bill No. 62.

This bill was gotten up by parties who are outside of the engineers, and is purely a job-chasing bill, and not indorsed by union engineers generally.

Respectfully,

[SEAL.]

P. D. HARTHORN, President.

J. J. KINGSTON, Recording Secretary.

PETITION.

The following petition was presented by Senator Curtin, and ordered printed in the Journal:

To the General Land Department of the United States, Washington, D. C.:

WHEREAS, The Commissioner of the General Land Office of the United States has seen fit to withdraw from entry a large tract of land situated in Mariposa and adjoining counties of the State of California, amounting in the aggregate to 650,000 acres of land, pending an investigation. (It is proposed that the said tract of land be made into a forest reserve.)

WHEREAS, The creation of the aforesaid forest reserve would, in the opinion of the Board of Supervisors of Mariposa County, State of California, work a great hardship on Mariposa County by withdrawing from entry much valuable land that might be subjected to private ownership, thereby depriving Mariposa County of any probable revenue from this large area of land included in the proposed reservation, embracing as it does the following territory in our county:

A small portion of ranges 17 and 18 in township 1 S.; nearly all of ranges 17 and 18 in township 2 S.; all of ranges 17 and 18 in township 3 S.; all of range 18 in township 4 S.; all of ranges 19 and 20 in township 5 S.; all of range 19 and one half of range 20 in township 6 S., E. M. D. M.—dividing the county almost in half and withdrawing from entry all lands in near proximity to the county seat.

Within the confines of this proposed reservation are situated much valuable mining property, as well as much valuable timber and wood land, a great part of which has been reduced to private ownership, from which a large source of public revenue is now derived.

Mariposa County has suffered much from grants, congressional reservations, and parks. Within the confines of this county are already located the Fremont Grant of 44,000 acres of land; the Yosemite National Park, including the Wawona or Big Tree Park; the Forest Reserve, and now the proposed additional forest reserve, all of which embraces about two thirds of the territory of the county.

Within this proposed reservation is a vast mineral belt, one of the principal mineral belts of the county, and the creation of this proposed park will arrest the development of all mining industry within the boundaries of the reservation and work a great hardship on the mining industry of the county by withdrawing the source from which the necessary timber supply for mining purposes is obtained.

The stock-raising industry of the county will be seriously crippled by the intended reservation, as almost the entire territory of the proposed reservation is used for stock ranges throughout the year; therefore, be it

Resolved, That the Board of Supervisors of Mariposa County, State of California, representing the people of the County of Mariposa, do protest against the establishment of the said proposed forest reserve or the establishment of any further reserve in this county; and be it further

Resolved, That a certified copy of these resolutions be sent to our Senators and Representatives in Congress of the United States and to our Senator and Assemblyman at Sacramento, and that they be urged and requested to do all in their power to oppose the permanent setting aside of the proposed reservation.

H. W. CORNETT,
J. W. COLLINS,
W. M. EUBANKS,
JAMES LINDSEY,
ISAAC LYONS.

Board of Supervisors of Mariposa Co., Cal.

I hereby certify that the foregoing is a true, full and correct copy of the resolutions passed by the board, at a meeting held February 4, 1903.

Attest: W. E. GALLIBON, Clerk.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 5, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 12—Relative to amending Section 23 of Article IV of the Constitution, relating to the salary of members of the Legislature and attaches thereof.

Also: Passed Assembly Bill No. 232—An Act to appropriate the sum of \$2,000 to pay for stationery, fuel, lighting, and other necessary supplies for the Legislature and State officers, to be used during the remainder of the fifty-fourth fiscal year.

Also: Adopted Assembly Joint Resolution No. 3—Relative to the House of Representatives Bill No. 14,443, pertaining to a National Conservatory of Music and Art.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Assembly Bill No. 232 read first time, and referred to Committee on Finance.

Assembly Joint Resolution No. 3 referred to Committee on Federal Relations.

Assembly Constitutional Amendment No. 12 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 11—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California by repealing Section 12 of Article XIII of said Constitution, so as to abolish poll taxes in the State of California.

Also: Assembly Joint Resolution No. 5—Relating to the creation of proposed forest reserves in the State of California, and requesting the Boards of Supervisors and District Attorneys of counties therein affected thereby to gather and compile data, information, statistics, and maps showing the injurious effects of the creation of such reserves.

Also: Passed Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and improvements thereon.

Also: Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Assembly Joint Resolution No. 5 referred to Committee on Federal Relations.

Assembly Constitutional Amendment No. 11 referred to Committee on Constitutional Amendments.

Assembly Bill No. 13 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 23 read first time, and referred to Committee on Education.

RESOLUTIONS.

The following resolutions were offered:

By Senator Emmons:

WHEREAS, It has been charged that Pilot Commissioner Charles H. S. Pratt has been guilty of bribery; and

WHEREAS, Those charges have been made by the San Francisco Call—a reputable paper; and

WHEREAS, The said charges involve the integrity of the State institution known as the Pilot Commission; therefore, be it

Resolved, by this Senate, That said charges are of such a character that they should be investigated by this Senate, and that the Committee on Commerce and Navigation should be designated by the President of the Senate with power to send for persons and papers and report as to the evidence in the premises.

Resolution read.

Senator Emmons moved the adoption of the same.

Senator Belshaw moved to amend that it be referred to the Committee on Commerce and Navigation, to report to-morrow.

The question being on the adoption of the amendment; the same was adopted.

Resolution adopted, as amended.

By Senator French:

WHEREAS, Considerations of public interest demand an inquiry into the affairs of the Board of Examiners of Barbers appointed and acting under and by virtue of an Act of the Legislature of the State of California, approved February 20, 1901, and entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California."

Resolved, That the President of the Senate is hereby authorized and empowered to appoint a committee of five Senators to investigate the affairs of the Board of Examiners of Barbers, both as to its management, business matters and finances, including all moneys received by said board, and to make a report thereon.

Said committee is hereby authorized and empowered to do any and all things necessary to make a complete investigation as to the above matters; and is hereby authorized and empowered to send for persons and papers, to administer oaths, to examine witnesses and compel their attendance, and do all other things necessary to a complete investigation.

Said committee is authorized to employ a stenographer, if such in their judgment be necessary.

Resolution read.

Senator French moved the adoption of the same.

Senator Wolfe moved to amend by referring the resolution to Committee on Labor and Capital.

Senator Caldwell moved to amend by referring to a special committee of three.

The question being on the adoption of the amendment by Senator Caldwell; the same was adopted.

Resolution adopted, as amended.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 422—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class—have had the same under consideration, and respectfully report the same back, and recommend that, as amended, the same do pass.

WOODWARD, Chairman.

Senate Bill No. 422 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly re-engrossed:

Amended Senate Bill No. 21—An Act creating a fund for the benefit and support of high schools, and providing for its distribution.

Amended Senate Bill No. 250—An Act to amend Section 1366 of the Political Code of the State of California, relating to primary elections.

Committee Substitute for Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among steam engineers in the State of California.

Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code, approved March 21, 1872," relating to the amount, character and location of real estate that may be owned or held by corporations whose object is not pecuniary profit.

Senate Bill No. 343—An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court.

Senate Bill No. 170—An Act to prevent the selling, giving or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses for the purpose of gambling, playing cards, billiards, pool or any game of chance.

Senate Bill No. 161—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

Senate Bill No. 272—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to sewers.

Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Also: Have examined Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences"—and report that the same has been correctly enrolled, and presented the same to the Governor on this sixth day of February, 1903, at two o'clock and twenty minutes p. m.

HUBBELL, Chairman.

Senate Bills Nos. 21, 250, 85, 343, 170, 161, 272, 304, and Committee Substitute for Senate Bill No. 62, ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Wolfe: Senate Bill No. 516—An Act to regulate the work and hours of selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Emmons: Senate Bill No. 517—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 175 thereof, relating to salaries of officers of counties of the eighteenth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 518—An Act to promote the horticultural interests of the State, by providing county boards of horticultural commissioners, and repealing an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture," approved March 31, 1897.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

Also: Senate Bill No. 519—An Act to protect trade and commerce against unlawful restraints and monopolies, and to prohibit the giving or receiving of rebates on the transportation of property.

Bill read first time, and referred to Committee on Judiciary.

MEMORIAL.

The following memorial was presented by Senator Emmons, and, on his motion, was ordered printed in the Journal:

DENVER, COLORADO, February 2, 1903.

To the Members of the Legislature of the State of California:

GENTLEMEN: Your memorialist, the National Live Stock Association, representing the live stock industries of the nation, respectfully represents:

First—That the defendants in the suit now pending in the United States Circuit Court for the Northern District of Illinois at Chicago, known as the Beef Trust case, contend that the several acts set forth in the bill of complaint were merely local and did not violate the laws of Congress which were aimed at combinations, conspiracies, and

monopolies in restraint of trade and commerce among the States and with foreign countries. In view of this contention, it becomes highly important that the Legislatures of the several States should at once enact such legislation as will prohibit all combinations, conspiracies, and monopolies in restraint of trade and commerce within the several States; and also to prohibit the giving or receiving of rebates on the transportation of property within a State.

Second—To this end this association has caused to be prepared a bill to protect trade and commerce against unlawful restraints and monopolies, and to prohibit the giving or receiving of rebates on the transportation of property. This bill applies to trade and commerce within a State, and it, or a similar measure, ought to be passed by the Legislature of every State in the Union.

Third—The bill herewith transmitted adapts to trade and commerce within a State the Sherman Anti-Trust Law, and the bill now pending in Congress which was introduced by Senator Hoar of Massachusetts, and the bill introduced by Representative Jenkins of Wisconsin, and which was prepared by Attorney-General Knox. The last section, making an appropriation, is on the lines of the Hepburn amendment to the legislative bill now pending in the United States Senate.

Fourth—It is the opinion of this association that the enacting of the accompanying bill, or a similar measure, by the Legislatures of the several States in the Union would, in connection with the Sherman Anti-Trust Law, and the proposed amendments thereto now pending in Congress, solve the trust problem as to trade and commerce within the States and among the States so far as legislation is concerned. And with a vigorous enforcement of these Acts the people would speedily obtain relief from the exactions of the trusts.

Your memorialist therefore earnestly requests the members of the Legislature to pass the accompanying bill, or a similar measure, at the earliest time possible.

THE NATIONAL LIVE STOCK ASSOCIATION.
JNO. W. SPRINGER, President.
CHAS. F. MARTIN, Secretary.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED.)

By Senator Flint: Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Knowland: Senate Bill No. 521—An Act to amend Sections 4, 5, 8, 9, 10, 11, 12, and 13 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State," as amended March 23, 1901.

Bill read first time, and referred to Committee on Education.

By Senator Belshaw: Senate Bill No. 522—An Act to amend the Penal Code of the State of California by adding one new section to Title X thereof, relative to public nuisance; said section to be numbered 370½.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 523—An Act to amend Section 1095 of the Political Code of the State of California, relating to the registration of voters.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 524—An Act in relation to municipal elections, where the same are held separate from general State elections, and elections held under authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled an Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution, approved March 31, 1897, approved March 4, 1899, by amending Sections 5, 7, and 8 thereof.

Bill read first time, and referred to Committee on Elections and Election Laws.

Also: Senate Bill No. 525—An Act to amend Section 330 of the Penal Code of the State of California, relating to prohibited games.

Bill read first time, and referred to Committee on Public Morals.

At ten o'clock and forty-five minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

By Committee on Code Revision: Senate Bill No. 526—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 527—An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators.

Also: Senate Bill No. 528—An Act to amend Sections 1622, 1636, and 1639, and to repeal Sections 1623, 1624, 1625, and 1640 of the Code of Civil Procedure, all relating to accounts of executors and administrators and the settlement of such accounts.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 529—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 530—An Act to amend Sections 1658, 1661, 1665, 1668, and 1669, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 531—An Act to amend Sections 1699 and 1702 of the Code of Civil Procedure, both relating to trustees of the estates of deceased persons.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 532—An Act to amend Section 1710 of the Code of Civil Procedure, relating to notices in proceedings for the settlement of the estates of deceased persons.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 533—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of the estates of deceased persons.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 534—An Act to repeal Section 1718 of the Code of Civil Procedure, relating to the appointment of attorneys in proceedings for the settlement of estates of deceased persons.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 535—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 536—An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to Public Administrators.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 537—An Act to amend Sections 1747, 1750, 1753, 1758, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807, and 1809, and to repeal Sections 1752 and 1774 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1760, all relating to guardians.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 538—An Act to repeal Title XIII, of Part III of the Code of Civil Procedure, and to substitute in place thereof a new Title XIII, to take the place thereof in said code, relating to estates of missing persons.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 539—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1910, 1915, 1918, 1921, 1922, 1925, 1935, 1937, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1962, 1963, 1968, and 1982, and to repeal Sections 1971, 1972, 1973, and 1974, of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1882, all relating to evidence.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 540—An Act to amend Sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpoenas.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 541—An Act to amend Sections 2006, 2020, 2021, 2022, 2024, 2025, 2026, 2028, 2031, 2032, 2036, and 2037 and to repeal Sections 2033, and 2034 of the Code of Civil Procedure, all relating to depositions.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 542—An Act to amend Sections 2012, 2013, 2014, and to repeal Section 2015 of the Code of Civil Procedure, all relating to affidavits.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 543—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 544—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 545—An Act to amend Sections 1021, 1023, 1024, 1025, 1031, 1033, 1036, 1037, to repeal Section 1026 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1040, all relating to costs in civil actions.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 546—An Act to amend Sections 2043 and 2054 of the Code of Civil Procedure, both relating to the examination of witnesses.

Bill read first time, and ordered on file without reference to committee.

By Senator Devlin: Senate Bill No. 547—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at the "Lewis and Clark Centennial Exposition" at Portland, Oregon, in 1905, and providing for the installing of an exhibit of the products of California therein, and providing for the appointment of a commissioner to carry this Act into effect, and providing, also, for the compensation and the expenses of said commissioner and secretary.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 548—An Act to appropriate the sum of \$50,000, for the purpose of putting, as near as possible, the attic and dome of the State Capitol in a fireproof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for

the heating and lighting of said attic, rooms, and closets, to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto, including iron stairs and platform to reach lantern on dome.

Bill read first time, and referred to Committee on Finance.

REPORT OF STATE BOARD OF BARBER EXAMINERS.

The President announced that he had received a copy of the report of the State Board of Barber Examiners, and the same was ordered printed in the Journal.

REPORT OF THE STATE BOARD OF BARBER EXAMINERS.

To the Senate and Assembly of the State of California :

We have the honor to present herewith to your honorable bodies the first biennial report of the "State Board of Barber Examiners" of California, accompanied by its recommendations and a report of its important transactions from the date of its organization to the 1st day of December, 1902. The bill was approved February 20, 1901.

The purposes of the bill are to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners.

The members of the board received their appointments from the Governor on the 27th day of May, 1901, and thereupon duly qualified, as such members, by filing their bonds and taking the constitutional oath of office, in accordance with law; and thereafter, to wit: on the 12th day of June, 1901, duly organized by the election of John J. Calish of San Francisco, president; Frank Flemming of Sacramento, treasurer, and P. W. Drake of Los Angeles, secretary.

The board rented an office in the Emma Spreckels building, No. 927 Market Street, San Francisco, which is the main office of the board.

The Western National Bank of San Francisco, California, was designated as the bank of deposit of the board.

The board was in session from the 12th day of June, 1901, to the 1st day of September, 1902, and then adjourned to December 1, 1902. A special session of the board was called for the 19th day of November, 1902, and the board remained in session until the 1st day of December, 1902, for the transaction of important business that had accumulated. By reason of the long distances that have to be traveled by the board, it should be in continuous session throughout the year to meet the current demands upon it.

The board has gone into every county in the State accessible by railroad, and has traveled many miles by stage and private conveyance to other counties; it has traveled 35,889 miles, and has held meetings in every town of importance in the State.

The examinations by the board have been made in accordance with the provisions of Section 10 of the bill.

The certificates which were adopted by the board were bound in book form and each one numbered, with a record on the stub, giving the name of the person to whom it was issued, and the date on which it was issued, with the names of the president and secretary of the board indorsed thereon.

In accordance with the provisions of Section 11 of the bill, a card was issued with each certificate, to be displayed in a conspicuous place where each person served could see it and thus learn if the barber was a registered practitioner; the card was indorsed by the names of the president and secretary of the board, with the number of his certificate, and date of issue.

Blanks are furnished by the board to all persons desiring to make application for certificates of examination and registration. The blanks require the applicant to certify to the board the length of time, town and State, and with whom he served as an apprentice; also the length of time he has worked as a journeyman barber, and in what State, and the condition of his health, with his present address. This information enables the board to ascertain the amount of experience each applicant has had, and furnishes it with facts that can be used to inquire further into the reputation and fitness of the applicant. On the examination of the applicant if it satisfactorily appears to the board that he is above the age of eighteen years, of good moral character, free from contagious or infectious diseases, has either studied the trade for three years as an apprentice, under a qualified and practicing barber, or studied the trade for at least three years in a properly appointed and conducted barber school, under the instruction of a competent barber, or practiced the trade in another State for at least three years, and is possessed of the requisite skill in the trade to perform all the duties thereof and incidental thereto, and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of the trade, his name shall be entered in the register, and a certificate of registration shall be issued to him in accordance with law.

The three years' apprenticeship which the law requires has fixed a standard of training and skill for barbers in every way superior to that of most of those who have

entered the ranks of the trade during the past fifteen years. The most serious obstacle that the trade has had to contend with for several years was the class of incompetent persons who have had the presumption to assert that they understood the trade and established themselves as proficient workmen. For several years they have practiced on the unsuspecting public until they have gained a crude knowledge of the trade at the risk of the public.

The law will force out of the trade these incompetent barbers, much to the gratification of the public. Young men will in the future learn the trade from those most able to teach it, and serve a full apprenticeship before starting out for themselves. Employers will apprentice only those who are adapted to the trade, which fact will of itself insure a better class of workmen in the future.

The greatest evil which the barbers of this State have to contend with is the so-called barber schools. The principal one is located at No. 635 Clay Street, San Francisco. It is a branch of what is called "The Moler System of Barber and Hairdressing Colleges." Similar branches are located at Chicago, New York, St. Louis, Minneapolis, and Omaha, with headquarters at Chicago. The board, accompanied by a member of the San Francisco health department, visited the San Francisco branch of the Moler system to ascertain their manner of doing business. They found the place to be filthy beyond description. The operating room, chairs, floors, work-stand, cups, towels, and, in fact, everything in and about the place, were so filthy that the appearance was deeply distasteful to a person possessing any notion of cleanliness. The towels were dirty from long and constant use. Several students use the same lather-brush and soap, and the cups presented a dirty appearance, indeed. Disease is almost certain to spread from this filthy use of the cups, razors, and tools.

The board is unprepared to give the number of graduates that receive their education in this school, but an estimate of several hundred a year would be nearly correct. Each of these students is required to pay a tuition fee of from thirty to forty dollars for a course of eight weeks, then they are presented with a school diploma.

When the law was passed, about seventy-five graduates from barber schools were conducting five-cent shops in the city of San Francisco. From its examination of the Moler school, the board came to the conclusion that it was not a proper place to learn the trade.

The board is of the opinion that the only way to procure a practical education in the trade is to learn it as an apprentice in a well-regulated shop.

The law provides that where an applicant has acquired his knowledge of the trade in a barber school, the board shall judge whether said school is properly appointed and conducted. Pursuant to that authority, on the 24th day of June, 1901, the board resolved to reject all applicants who had graduated from the Moler school, for the reason that the said school was not properly appointed and conducted, and did not give proper instructions.

The receipts of the board from all sources from the 12th day of June, 1901, to the 1st day of December, 1902, were \$10,789.70.

The disbursements by the board for the same period were \$10,717.90, leaving a balance of \$71.80, which sum is on deposit in the Western National Bank of San Francisco, California.

A number of arrests have been made in various parts of the State, at the instance of the board, for violations of the law. In most cases the defendant paid his fine and conformed to the requirements of the law.

John Porco, of Napa, caused a writ of mandamus to issue, directed against the board, compelling it to grant him a certificate, which writ was decided in favor of the board by the Superior Court of Napa County; the petitioner perfected an appeal to the Supreme Court, which is still pending and undetermined. Subsequently, J. Millard, as the assignee of some 125 Chinese of San Francisco, instituted an action against the members of the board, praying for the return of the money paid by them for the certificate granted by the board; the said action is still pending and undetermined.

The board recommends:

That legislation be enacted to place the barber schools, respecting their sanitary condition, under the control of the State Board of Barber Examiners and State Board of Health.

That the State Board of Barber Examiners be empowered to make rules prescribing the sanitary requirements of barber shops, subject to the approval of the State Board of Health, and that the same must be displayed in a conspicuous place in every barber shop where the public can see them and observe whether they are being complied with.

That in no barber shop shall there be more than one apprentice to two barbers authorized under the law.

That each member of the State Board of Barber Examiners shall serve for three years.

That the term "apprentice" be defined.

That the card or insignia, as now provided by law, be renewable annually at a small cost.

That the board shall have power to revoke any certificate of registration granted by it under the Act for, (a) conviction of crime; (b) habitual drunkenness for six months immediately preceding the filing of the charge with it therefor; (c) gross incompetency; (d) the keeping of a shop or tools, appliances, or furnishings thereof in an unclean and unsanitary condition; (e) failure to comply with the requirements of Section 11 of

the Act; *provided*, that before any certificate shall be revoked the holder thereof shall be given a written notice of the charge and an opportunity to be heard in his own defense.
Very respectfully submitted.

STATE BOARD OF BARBER EXAMINERS.

JOHN J. CALISH, President.
FRANK FLEMMING, Treasurer.
P. W. DRAKE, Secretary.

San Francisco, California, December 31, 1902.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

THIRD READING OF BILLS.

Committee Substitute for Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among steam engineers in the State of California.

Read third time on a previous day.

Senator French moved to refer to Senator Luchsinger as a special committee of one, to amend as follows:

Amend section eight, line seven, by striking out the words: "and if it appears to the satisfaction of said."

Also: Amend section eight by striking out all of line eight, all of line nine, and all of line ten, except the word "they."

Also: Amend the title by adding the word "stationary" after the word "among."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 62, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 85 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock and fifteen minutes A. M., Hon. C. M. Belshaw, Senator from the Eleventh Senatorial District, in the chair.

SENATE CONCURRENT RESOLUTION No. 10,

Approving the charter of Salinas City, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose, on the 12th day of January, 1903.

WHEREAS, Salinas City, a municipal corporation in the County of Monterey, State of California, now is, and was at all of the times herein referred to a city containing a population of more than three thousand five hundred and less than ten thousand inhabitants; and,

WHEREAS, At a special election duly held in said city on the eleventh day of August in the year one thousand nine hundred and two, in accordance with law and the provisions of section eight, article eleven of the Constitution of said state, a board of fifteen freeholders, duly qualified, was elected, to prepare and propose a charter for the government of said city; and,

WHEREAS, Said board of freeholders did, within ninety days after such special election, frame, prepare and propose a charter for the government of said Salinas City; and,

WHEREAS, Such a charter was, on the third day of November, in the year one thousand nine hundred two, signed in duplicate by all of the members of said board of freeholders and, on said last mentioned day, one copy was returned to and filed with the Mayor of Salinas City, and the other copy thereof was filed with, and in the office of the County Recorder of the County of Monterey; and,

WHEREAS, Said proposed charter was thereafter published in the Salinas Daily Index, a daily newspaper of general circulation, printed, published and circulated in said Salinas City, for a period of twenty days and more, and the first publication thereof was made within twenty days after the completion of said charter; and,

WHEREAS, Said proposed charter was, within not less than thirty days after the completion of said publication, submitted by the Mayor and Common Council of Salinas City to the qualified voters of said Salinas City, at a special election, previously duly called and thereafter held in said city on the twelfth day of January in the year one thousand nine hundred three; and,

WHEREAS, At said last mentioned special election a majority of the qualified electors of Salinas City voting thereat did vote in favor of and duly ratified said charter so proposed; and,

WHEREAS, The same is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California; and,

WHEREAS, Said charter so ratified is in the words and figures following, to wit:

CHARTER OF SALINAS CITY.

ARTICLE I.

BOUNDARIES, GENERAL POWERS AND LIABILITIES.

Name, Powers and Liabilities.

SECTION 1. The municipal corporation now existing, known as Salinas City, shall remain and continue a body politic and corporate, in name and in fact, by said name of Salinas City, and by that name shall have perpetual succession; may sue and defend in all courts and places and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may make and enter into contracts and incur indebtedness; may purchase, acquire, receive, hold and enjoy real and personal property, within and without its corporate limits, and may lease, sell, convey and dispose of the same for the common benefit; may purchase, construct, or otherwise acquire water works, artificial light works, street railroads and other public utilities and manage and operate the same; may determine and declare what are public uses and when the necessity exists of condemning land therefor and what land it is necessary to condemn; may receive bequests, gifts, or donations of every kind of property, within or without said city, in fee simple or in trust for charitable or other lawful purposes, with full power to do and perform all acts and things necessary to carry out the purposes of such bequests, gifts, or donations; and may do and perform all other acts necessary or incident to the exercise of the powers, by the charter or otherwise, granted to said city.

SEC. 2. All public buildings, land, property, rights of property, rights of action, money, revenue and income belonging or appertaining to Salinas City at the time this charter shall go into effect, shall continue thereafter to vest in, and belong to said city, and said city shall continue to have, hold, own and enjoy all such public buildings, real and personal property, rights of property, rights of action, money, revenue, income, books, documents, records, archives, claims, demands and things, in possession and in action, of every kind and description, theretofore owned, held by, or vested in said municipality; and said Salinas City shall thereafter continue to be subject to and liable for all of its prior obligations, debts, dues, duties and liabilities.

City Boundaries.

SEC. 3. The boundaries of Salinas City shall be and remain as now fixed and established and are described as follows: Commencing at a point north nine degrees and thirty minutes west, four thousand five hundred seventy-two and forty-eight one hundredths feet from the monument at the intersection of the center lines of Main and Gabilan streets in Salinas City, thence at right angles to the center line of said Main street, north eighty degrees and thirty minutes east, one thousand six hundred and one-half feet to the westerly side of the county road leading from Salinas City to Santa Rita; thence along the west side of said road north three degrees and thirty minutes east, three thousand three hundred and twenty-eight feet to a point opposite the northern line of Sherwood Park; thence south eighty-six degrees and forty-five minutes east one thousand one hundred forty-six and one-half feet to the northeastern corner of said park; thence following the course of the eastern side of said Sherwood Park south three degrees and fifteen minutes west, three thousand sixty-five feet to station; thence

north eighty degrees and thirty minutes east, one thousand seven hundred seventy-four and one-half feet to the northeastern corner of Salinas City; thence south nine degrees and thirty minutes east, nine thousand one hundred forty-five feet to the southeastern corner of said city; thence south eighty degrees and thirty minutes west, nine thousand one hundred forty-five feet to the southwestern corner of said city; thence north nine degrees and thirty minutes west, nine thousand one hundred forty-five feet to the northwestern corner of said city; thence north eighty degrees and thirty minutes east, four thousand five hundred seventy-two and one-half feet to the place of beginning.

Ward Boundaries.

SEC. 4. Salinas City is hereby divided into four wards, which shall be designated respectively, the First Ward, Second Ward, Third Ward and Fourth Ward, and are described as follows:

First Ward: The First Ward shall consist of all of that portion of Salinas City lying north of the center lines of Alisal street and the Alisal road, and east of the center lines of Main street, San Juan street and the Santa Rita road.

Second Ward: The Second Ward shall consist of all of that portion of Salinas City lying north of the center line of Alisal street and its prolongation in a straight line westerly to the western boundary of said city, and west of the center lines of Main street, San Juan street and the Santa Rita road.

Third Ward: The Third Ward shall consist of all that portion of Salinas City lying south of the center line of Alisal street and its prolongation in a straight line westerly to the western boundary of said city, and west of the center lines of Main street and South Main street.

Fourth Ward: The Fourth Ward shall consist of all of that portion of Salinas City lying south of the center lines of Alisal street and the Alisal road, and east of the center lines of Main street and South Main street.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

The Council.

SECTION 1. The legislative power of Salinas City shall be vested in a council consisting of eight members. Two councilmen shall be elected from each ward by the qualified electors thereof. Those first elected under the provisions of this charter shall so classify themselves, by lot, that one councilman from each ward shall go out of office at the end of two years, and the other at the end of four years, and thereafter, at each regular municipal election, one councilman shall be chosen from each ward to serve for a term of four years. A councilman must be a citizen of the State of California and a resident and duly qualified elector of Salinas City and of the ward from which he is chosen for one year immediately preceding his election.

SEC. 2. Any vacancy in the office of councilman shall be filled by appointment by the mayor, which appointment must be confirmed by the council. The person so appointed must possess all the qualifications herein prescribed for councilmen and shall hold office for the remainder of the unexpired term, or until the next regular municipal election, when a councilman shall be elected to serve during the remainder of such term.

SEC. 3. The council shall meet on the first Monday of each month, unless that day be a legal holiday, when it shall meet on the succeeding day. Special meetings of the council may be called by the mayor at any time. He shall issue a call therefor, in writing, signed by himself, which shall specify the time and place for such meeting and the purpose for which it is called; and no business other than that specified in the call shall be transacted at such meeting. A copy of the call shall be personally served upon each member of the council then in Salinas City at least two hours prior to the time fixed for the meeting.

SEC. 4. All meetings of the council shall be public, and when possible, shall be held in the City Hall of Salinas City; but if at any time circumstances shall render meeting at the City Hall impossible or impracticable, the council may, by ordinance or resolution, designate some other meeting place within the city.

SEC. 5. The mayor shall be the presiding officer of the council, but shall not vote except in case of a tie. The council shall, at its regular meeting in July of each year, elect from its own members a president pro tem, who may be changed by it at any time, and who shall preside over it during the absence of the mayor.

SEC. 6. A majority of all of the members of the council shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as the council may prescribe.

SEC. 7. The council may make and adopt rules for its proceedings and shall have power to enforce the same and may punish its members by reprimand, fine or expulsion for violation thereof, disorderly conduct in its presence, or malfeasance in office. The council shall also have the power to compel the attendance and examination of witnesses and the production of all books, records and papers relating to any business or investigation before it, and may punish disobedience of its subpoena, or refusal to testify, or disorderly or contemptuous conduct in its presence by a fine of not exceeding one hundred dollars, or by imprisonment for not exceeding five days, or by both such fine and imprisonment.

SEC. 8. The council shall cause a journal of its proceedings to be kept by the city clerk, under its directions, and the vote shall be taken by "ayes" and "noes" and entered in the journal upon the passing of any ordinance, or the granting of any franchise, and in all other cases upon the demand of one member of the council.

SEC. 9. Every legislative act of the council shall be by ordinance and no ordinance shall be passed except by bill. No ordinance shall be passed or resolution adopted except the same receive the affirmative votes of a majority of the members of the council.

SEC. 10. Every bill, after it has been passed by the council shall be, forthwith, authenticated by the city clerk and presented to the mayor for his approval. The mayor shall return such bill to the city clerk within ten days after receiving it. If he approve it, he shall endorse such approval thereon over his signature and the bill shall thereupon become an ordinance. If he disapprove it, he shall specify his objections thereto, in writing, which he shall also deliver to the city clerk. If the bill be not returned with the mayor's approval or disapproval, within the time above specified, it shall become an ordinance with the same effect as though it had been approved. When a bill is returned without the approval of the mayor, the city clerk shall lay it, together with the mayor's objections thereto, before the council, at its next regular meeting. The objections shall be entered at length in the journal and the council shall proceed to reconsider and vote upon said bill. If the bill be again passed by the affirmative votes of at least seven councilmen, that fact shall be certified by the city clerk and it shall become an ordinance with like effect as if it had been approved by the mayor; but if such bill fail to receive the affirmative vote of seven councilmen it shall be finally lost.

SEC. 11. The enacting clause of all ordinances shall be as follows: "The Council of Salinas City does ordain as follows:"

SEC. 12. No ordinance shall be revised, re-enacted, or amended by reference to its title; but the ordinance to be revised or re-enacted, or the section thereof to be amended, shall be re-enacted at length, as revised or amended.

SEC. 13. No ordinance granting a franchise shall be put upon its final passage within less than ten days after its introduction, nor at any time other than a regular meeting.

SEC. 14. No ordinance shall be repealed, except by an ordinance duly adopted for that purpose.

SEC. 15. All ordinances must, before going into effect, be published by one insertion in some newspaper, published and circulated in Salinas City, selected and designated by the council for that purpose.

SEC. 16. Every ordinance, unless otherwise provided by law or in such ordinance, shall take effect ten days after its passage and approval, provided that it has been published as herein required.

SEC. 17. All ordinances shall be deposited with the city clerk, who shall record them, at length, in a suitable book to be kept by him for that purpose.

SEC. 18. The council shall, within one year after this charter goes into effect, and every five years thereafter, cause the ordinances then in force to be classified, indexed and published in book form. Each city officer shall be furnished with a copy of such book, free of charge, and the remainder shall be kept for sale, by the city clerk, at a price to be fixed by the council.

Powers of the Council.

SEC. 19. Subject to the provisions, limitations and restrictions in this charter contained, the council shall have power:

1. To make and enact all ordinances not repugnant to nor inconsistent with the provisions of this charter, the constitution and laws of the State of California and the United States.

2. To acquire, by purchase or condemnation, such property as may be required for public use.

3. To use, care for, manage, control, improve, lease and sell, all real and personal property belonging to Salinas City; *provided, however,* that said council shall have no power to pledge, hypothecate, or mortgage any of the property of said city.

4. To lay out, open, widen, extend, alter and close streets, avenues, alleys, lanes, roads, courts and public places within said city, and to fix and alter their official grades; to grade, pave, curb, sidewalk, sewer, drain and otherwise improve the same; to provide for the repair, cleaning, watering and lighting thereof; to manage and control such streets, roads, highways and public places, and to regulate the use thereof; to regulate or prohibit the placing or maintaining of trees, hitching posts, signs, awnings and other obstructions therein, and to remove obstructions therefrom.

5. To require the owners of real property in the city to remove grass, weeds, and obstructions from the sidewalks in front of their property and, upon their refusal, failure or default to cause such work to be done and the cost thereof to be made a lien upon said property, or otherwise recovered from such owners.

6. To fix the limits within which wooden buildings or structures shall not be erected, placed or maintained and to prohibit the same within such limits.

7. To regulate the construction of buildings, structures, sheds, awnings, and signs within the city and to condemn the use or occupation of unsafe buildings and structures.

8. To regulate the size and construction of the entrances to, and exits from theaters, lecture rooms, churches and other public buildings and to prohibit the placing of seats or other obstructions in the aisles and open spaces in such buildings.

9. To examine, either in open session or by committee or commission, all books, papers, vouchers, reports, statements, documents and records of the several officers and employes of the city and any other person having care, custody, or control of any money, funds, or property belonging or appertaining to said city or any of its funds, trusts or uses.
10. To make all necessary rules to govern the official conduct and prescribe the duties of all officers and employes of the city whose duties are not defined in this charter; and to impose additional duties upon those whose duties are herein set forth.
11. To fix the salary and prescribe the compensation of all officers and employes of the city whose salary or compensation is not fixed or prescribed in this charter.
12. To fix the fees and charges for official services not otherwise provided for.
13. To provide for holding municipal elections, give notice thereof, establish and alter election precincts, and appoint all election officers.
14. To ordain, make and enforce, within the city, all proper local police and sanitary regulations.
15. To define and prevent nuisances and to provide for the abatement or summary removal thereof.
16. To regulate the management of slaughter houses, chemical works, glue factories, laundries, tanneries and all other offensive trades; and all manufactories, works and business, of every description, which may endanger the public health, safety or comfort; and to restrict the same to fixed limits, or prohibit their maintenance within the city.
17. To regulate or prohibit the manufacture, keeping, storage and use of powder, dynamite, gun-cotton, nitro-glycerine, fire-works and other explosive substances and materials.
18. To regulate the storage of oil, hay, straw and other inflammable material within the city.
19. To regulate the use of steam and gas engines and steam boilers within said city.
20. To levy and collect, within the limits provided by this charter, taxes on all property, real or personal, within the city, made taxable by law for state and county purposes.
21. To license, for the purpose of regulation and revenue, all and every kind of business, not prohibited by law and transacted and carried on in said city, and all shows, exhibitions and lawful games carried on therein; and to fix the license tax upon the same, and to provide for the collection thereof.
22. To manage and control the city's finances and to examine all accounts, claims and demands against the city; and to allow and cause to be paid, or to reject the same, in whole or in part, as found just and legal or otherwise.
23. To provide for the purchase of any property levied upon under execution in favor of the city; *provided* that the amount paid for such property shall, in no instance exceed the amount of the city's judgment and costs.
24. To provide for the proper execution of all lawful trusts confided to the city.
25. To establish, maintain and manage public markets within the city.
26. To provide for the city's printing and advertising.
27. To provide for naming streets and numbering houses within the city.
28. To provide for the erection, maintenance and repair of all municipal buildings, and for the cleaning and lighting thereof.
29. To provide suitable rooms and buildings for the courts, boards and officers of the city and supply the same with fuel; light and such furniture, books, stationery and other supplies as may be required for the convenient transaction of public business.
30. To provide for the preservation, maintenance, and extension of the city's sewer system; to make and enforce all proper rules and regulations for the management and use of the same; and, when necessary to the public health, to require buildings, structures, water-closets, urinals, sinks, etc., to be connected therewith.
31. To regulate or prohibit the excavation or construction and use of cesspools, privy-vaults, privy-pits, etc., within said city, or any part or parts thereof.
32. To provide a seal for Salinas City, for the city police court, and for such officers and departments of the city government as may require the same.
33. To fix and prescribe fines, forfeitures, and penalties for the breach or violation of the city's ordinances, but no such penalty shall exceed a fine of five hundred dollars, or imprisonment for ninety days, or both such fine and imprisonment.
34. To provide for and maintain a city prison, and to provide for the government, maintenance and clothing of persons detained therein.
35. To provide for the formation of a chain-gang of persons imprisoned upon conviction in the city police court and for the employment of such persons for the benefit of the city.
36. To establish and maintain a public pound; and to regulate or prohibit the running at large of animals within the city, and to provide for the impounding, sale, or destruction of such animals as may be found at large, in violation of its ordinances and regulations.
37. To regulate or prohibit the keeping of animals within the city or any district or part thereof.
38. To prevent any riotous assemblage or disorderly conduct within the city.
39. To organize, maintain, regulate, and control the police department and fire department of Salinas City.

40. To prohibit and suppress houses of ill-fame, prostitution or assignation and to punish the keepers and inmates thereof and all persons visiting the same for immoral purposes.

41. To prohibit and suppress all indecent and immoral amusements, games and exhibitions and to punish persons taking part therein.

42. To offer rewards, not exceeding two hundred and fifty dollars in any one instance, for the apprehension and conviction of any person who has committed a felony within the city; and to authorize the payment thereof.

43. To regulate or prohibit the establishment of cemeteries and the interment of the dead within Salinas City; to establish, maintain, govern and control cemeteries within or without said city and to provide for selling or leasing lots in such cemeteries.

44. To provide and maintain a morgue.

45. To require every person or corporation operating any railroad in the city to grade and pave the street between and for a distance of two feet on each side of the tracks and keep the same in good repair.

46. To regulate the speed with which steam engines, railway trains, tram cars, automobiles, vehicles drawn by horses, bicycles and other vehicles are driven through the city, or any part thereof.

47. To require persons and companies operating railroads in the city, to maintain flagmen, watchmen, gates, or bells, as it may deem necessary, to give warning of the approach of trains, at points where their tracks cross streets at grade.

48. To grant the right to construct and maintain and to regulate the construction and maintenance of all pipes, tubes, conduits, wires and other electric, telegraph and mechanical apparatus in, along, over, under and across all public streets, and highways, within the city; to require all telegraph, telephone and electric light wires to be placed underground; and to regulate the mode of wiring houses, buildings and structures for telegraph, telephone, electric light, electric power and all other electric service.

49. To make all rules and regulations necessary and proper for carrying into execution the foregoing, and all other power vested in the council by the provisions of this charter or by law.

SEC. 20. Whenever the mayor shall prefer charges, in writing against any officer of Salinas City (other than a councilman) charging him with willful neglect of official duty, embezzlement of public money or funds, malfeasance or corrupt conduct in office, the council shall fix a time, not less than five nor more than twenty days distant for hearing the same. The person accused must be, forthwith, served with a copy of the charges, together with notice of the time and place of hearing, and shall have the right to appear and defend, either in person or by counsel, to cross examine witnesses produced against him and to introduce evidence in his own behalf. The hearing shall be public and if the accused be found guilty by the votes of three fourths of all the members of the council, he shall be removed from office and the vacancy so created shall be filled in the manner herein provided.

SEC. 21. The violation of any ordinance of Salinas City shall constitute a misdemeanor and all prosecutions therefor shall be in the name of the people of the State of California.

ARTICLE III.

EXECUTIVE DEPARTMENT.

The Mayor.

SECTION 1. The chief executive officer of Salinas City shall be the mayor. He shall be elected at each regular municipal election and shall hold office for a term of two years and until his successor is elected and qualified. He shall be not less than thirty years of age, and must be a resident of the city for five years immediately preceding his election.

SEC. 2. The mayor shall be the presiding officer of the council but shall have no vote except in case of a tie. He may call special meetings of the council, and must do so upon the request, in writing, of a majority of its members. He shall sign the minutes of each of its meetings after they have been entered in the journal by the city clerk and approved by the council; and he shall have the right to be present at the meetings of all of its standing and special committees.

SEC. 3. The mayor shall see that the laws of the State of California, the provisions of this charter and the ordinances of Salinas City are strictly enforced and duly observed within said city. He shall take all measures necessary for the preservation of public order and the suppression of mobs, riots, and tumults, for which purpose he may use the police force and, in case of necessity, may call upon the governor of the state for military aid.

SEC. 4. The mayor shall diligently observe the official conduct of all officers and employes of the city and note the manner in which they perform their duties, especially in the collection, administration and disbursement of public funds and property. The books, records and official papers of all departments, boards, officers and employes of the city shall, at all times, be open to his inspection and examination and he shall use special care to see that such books, records and documents are kept in proper and legal form. He shall have general supervision of all departments, public institutions and offices of the city and shall see that they are lawfully, economically and honestly admin-

istered and conducted. He may, at any time he deems necessary or expedient, appoint a proper person, who is an expert in matters of book-keeping and accounts, to examine the books, records, condition and affairs of any or all of the departments, boards, or officers of the city, and make a report thereon; and the person so appointed shall have full power and authority to examine all books, records and documents of, or pertaining to the department, board or office which he has been authorized to investigate.

SEC. 5. When any defalcation, willful neglect of duty or other official misconduct by, or on the part of any officer or employé of the city (except a councilman) shall come to the knowledge of the mayor, he shall have the power to suspend such officer or person from his office or employment and report the matter, with such charges as he may deem proper, to the council at its next meeting.

SEC. 6. The mayor shall see that all contracts and agreements with the city are faithfully kept and performed, and to that end he shall cause legal proceedings to be instituted and prosecuted, in the name of Salinas City, against all persons failing, in whole or in part, to fulfill their agreements with said city.

SEC. 7. The mayor shall, on the first Monday of each month, together with the city clerk and city attorney, count the money in the city treasury, ascertain whether it corresponds with the books of the city treasurer, and report the result to the council at its next meeting.

SEC. 8. The mayor shall appoint all officers of this city whose election or appointment are not, in this charter or by law, otherwise provided for; and when a vacancy occurs in any city office and no provision has been made herein for filling the same, the mayor shall appoint some qualified person who shall hold such office during the remainder of the unexpired term.

SEC. 9. The mayor shall, at the end of each year of his official term and at such other times and as he may deem proper, communicate in writing to the council a general statement of the affairs of the city, together with such recommendations regarding the public health, the cleanliness and ornament of the city, the improvement of its government, its finances and such other matters as he may deem proper or beneficial.

SEC. 10. The mayor shall have the power to administer oaths and affirmations and take affidavits and depositions in all matters relating to the business of the city.

SEC. 11. The mayor shall sign all conveyances made by Salinas City and all contracts to which it is a party and shall acknowledge the execution of all instruments executed by said city that require acknowledgment.

SEC. 12. When, by reason of absence from the city or from any other cause, the mayor is temporarily unable to perform the duties of his office, the president pro tem. of the council shall act as mayor during such temporary absence or disability. When a vacancy occurs in the office of mayor, the council shall appoint some duly qualified person to fill such vacancy, who shall hold office during the remainder of the unexpired term.

The City Clerk and Assessor.

SEC. 13. There shall be a city clerk who shall be ex officio, city assessor of Salinas City. He shall be elected at each regular municipal election and hold office for a term of two years and until his successor is elected and qualified. He must be a citizen of the State of California and must have resided in Salinas for not less than five years immediately preceding his election.

SEC. 14. Any vacancy in the office of the city clerk and assessor shall be filled by appointment by the mayor, which appointment must be confirmed by the council, and the person so appointed shall hold office during the remainder of the unexpired term.

SEC. 15. As city clerk:

1. He shall attend all meetings of the council and keep a journal of its proceedings and shall authenticate, by his signature and the corporate seal of the city, all ordinances and other official acts of said council.

2. He shall be the custodian of, and responsible for the corporate seal of the city and all books, papers, documents, records and archives thereof, not especially contided by law to other custody.

3. He shall have the power and authority to administer oaths and affirmations and take affidavits and depositions in all matters relating to the business of Salinas City.

4. He shall, in separate books to be kept for that purpose, record all ordinances of Salinas City, all contracts to which Salinas City or any officer thereof, in his official capacity, is a party, and all official bonds or other bonds given to, or for the benefit of said city, or in which it is interested.

5. He shall keep a complete set of books in which shall be set forth, in a plain and business-like manner, all financial transactions of Salinas City, so as to show the sources from which all of its income and revenue is derived; by whom all money is paid into its treasury; for what purpose, and in what manner all expenditures are made; the total amount of money in the city treasury at all times and the condition of each of its funds.

6. He shall file all claims and demands against the city which are required to be presented to the council and keep a record of the same, showing the name of each claimant, the date, amount and nature of the claim and the action of the council regarding it.

7. He shall draw and countersign all warrants upon the city treasury for the amount of all allowed and approved claims and for the salary of city officers and employes.

8. He shall make out, sign and deliver to the city collector all licenses issued by Salinas City, keeping a strict and accurate account of the same.

9. He must examine and settle the accounts of all officers and persons indebted to Salinas City or holding money payable into the city treasury, and must certify to the city treasurer the amount to be paid, the name of the officer or person by whom such payment is to be made and the fund to which the same is applicable; and upon the presentation and filing of the treasurer's receipt therefor, give such officer or person a discharge and charge the treasurer with the amount so received.

10. He shall, together with the mayor and city attorney, on the first Monday of each month, count all the money in the city treasury.

11. He shall keep all books and public records in his custody properly indexed and open to inspection by the general public at all times when not actually in use.

12. He shall report in writing to the council, quarterly, a full and detailed statement of all receipts and disbursements of the city during the past quarter and the state of each of the funds in the city treasury.

13. He shall make and deliver to the council, at its regular meeting in July of each year, a complete detailed report and statement of the finances of Salinas City for the last fiscal year showing the source and amount of all revenue received, the funds among which the same was distributed, the total amount of warrants drawn on and paid from each fund, and any unpaid warrants outstanding; the date, amount, nature, and purpose of all other disbursements; the condition of the city treasury, and each of its funds at the end of said year, and generally the financial condition of the city.

14. He shall also make and deliver to the council, with the aforesaid annual report, a careful estimate of the revenue which the city will receive, during the ensuing fiscal year, from all sources other than taxation; an itemized estimate of the necessary expenditures during such year; the amount required to be raised by taxation for each fund of the city treasury and the rates of taxation necessary to raise such amounts.

15. He shall make and keep posted in his office a list of all persons receiving salary or wages from the city, with the amount of such salary or wages received, monthly, by each; which list shall be revised as often as necessary to keep the same absolutely correct.

SEC. 16. As city assessor:

1. He shall prepare and, on or before the first Monday in July of each year, present to the council, a list of all real and personal property, taxable for municipal purposes, which was in Salinas City on the first day of the preceding March, with the true valuation of such property. He shall certify to the correctness of such list, which shall be known as the assessment roll of Salinas City.

2. He shall be present at all meetings of the city board of equalization; act as clerk of said board and keep a journal of its proceedings; furnish to said board all such information respecting the assessment roll and all matters relating thereto as it may request and enter upon the roll all changes and corrections made by the board.

3. After the tax rate has been fixed by the council, he shall compute and enter upon the assessment roll the amount of taxes due from each taxpayer; and on or before the first Monday of October of each year, he shall deliver such assessment roll, so completed, to the city collector.

SEC. 17. Said city clerk and assessor shall perform such other duties and exercise such other powers as may be required of, or conferred upon him by the provisions of this charter, by law, or by the ordinances of the city; and at the expiration of his official term he shall deliver to his successor in office all books, papers, records, maps, descriptions of property and other articles and things, belonging to the city and pertaining to his office.

The City Treasurer and Collector.

SEC. 18. There shall be a city treasurer who shall be, ex officio, city collector of Salinas City. He shall be elected at each regular municipal election and shall hold office for a term of two years and until his successor is elected and qualified. He must be a citizen of the State of California and must have resided in Salinas City for not less than five years immediately preceding his election.

SEC. 19. Any vacancy in the office of city treasurer and collector shall be filled by appointment by the mayor, which appointment must be confirmed by the council, and the person so appointed shall hold office during the remainder of the unexpired term.

SEC. 20. As city collector:

1. He shall collect and receive all taxes, general and special, levied by Salinas City, and all city licenses and other money due and payable to said city, except where the collection of such licenses or other moneys is, by the provisions of this charter or by ordinance, otherwise provided for.

2. He shall give a receipt, in writing, for all moneys received by him, to the person paying the same.

3. He shall, at all times, keep accurate books of account of the moneys received by him; showing in detail all sums of money paid to him, the name of the person paying the same, the date and purpose of such payment and the time at which all money received by him is paid into the city treasury.

4. He shall at each regular meeting of the council, present a report of all money collected or received by him during the preceding calendar month.

SEC. 21. As city treasurer:

1. He shall receive all money belonging to Salinas City and all other money directed by law to be paid to him; safely keep the same, and apply and pay out such money only in the manner prescribed in this charter or by law.

2. All money belonging to the city paid to him must be accompanied by a certificate of the city clerk authorizing him to receive it, and without such certificate he shall not accept such money. He shall file and preserve all such certificates, and shall give all persons paying money into the city treasury, a receipt for the same, to be filed with the city clerk.

3. He shall pay out no money, other than the principal and interest of the city's bonded indebtedness, except upon warrants properly drawn and countersigned, as required by the provisions of this charter.

4. He shall keep accurate books of accounts of all receipts and disbursements of public money, in which must be entered each sum of money paid to him, the date, the name of the person paying the same, the purpose of the payment and the fund to which it is apportioned; also, the amount of each disbursement, the date, the name of the person receiving the same and the purpose for which it is expended. Such books shall be so kept that the amounts received and paid out on account of each separate fund shall be exhibited in a distinct manner, and the entire receipts and disbursements of the treasury shall be shown in one general cash account.

5. He shall, at the end of each fiscal year, make and deliver to the council, a detailed report and itemized statement of all receipts and disbursements of the city treasury and of each of its funds during such year, and of the amount in each of said funds at the end thereof.

SEC. 22. The city treasurer and collector shall perform such other duties and exercise such other powers as may be required of, or conferred upon him by the provisions of this charter, or by law, or by the ordinances of the city; and at the expiration of his official term, he shall deliver to his successor in office all money, books, records, accounts, papers and other property, belonging or pertaining to the city and in his possession, custody or control.

The City Engineer and Street Superintendent.

SEC. 23. There shall be a city engineer who shall be, ex-officio, street superintendent of Salinas City. He shall be appointed by the council at its first regular meeting after each regular municipal election and shall hold office for a term of two years and until his successor is appointed and qualified. He must be a civil engineer and surveyor, who has had at least two years' practical experience as such, a citizen of the State of California, and a resident of Salinas City at the time of his appointment. Any vacancy occurring in the office shall be filled by appointment, by the council, and the person so appointed shall serve during the remainder of the unexpired term.

SEC. 24. As city engineer:

1. He shall possess the same power, in Salinas City, in making surveys, maps, plats and certificates as now is or at any time hereafter shall be given, by law, to county surveyors; and all his official acts and all surveys, maps, plats and certificates made by him shall have the same validity and be of the same force and effect as those of county surveyors.

2. He shall attend all meetings of the council and advise it respecting all engineering and similar matters.

3. He shall make all inspections, surveys and estimates required by the council, and, when requested by it, shall examine and report upon any proposed improvement, repair or alteration in any public work, building, or structure of the city.

4. He shall make all surveys, maps, plats, etc., required by the city.

5. He shall perform all such civil engineering and surveying as is necessary in the prosecution of all public work; superintend the execution of such works and certify as to the progress or completion thereof.

6. He shall have charge of the system of street monuments and bench marks; cause them to be promptly replaced when disturbed and extend the system as rapidly as practical to all streets within the city.

7. He shall, upon the application of any person owning or interested in any real property within the city, and the payment of such fees as the council shall prescribe therefor, make a survey, and deliver to such person a plat of such real property.

8. He shall be the custodian of all maps, plats, profiles, field notes and memoranda belonging to the city and pertaining to his office; all of which he shall keep properly indexed and systematically arranged for inspection and use.

9. All maps, plats, profiles, estimates, field notes and other memoranda made by him or under his direction, in pursuance of the duties of his office, shall be and remain the property of Salinas City and must be delivered by him to his successor in office.

SEC. 25. As street superintendent:

1. He shall have general care and superintendence of all streets, alleys, roads, highways, public squares and places in Salinas City; shall frequently inspect the same; remove all unlawful obstructions therefrom and cause the same to be kept in repair and suitable condition for use.

2. He shall receive and investigate all complaints respecting the conditions of streets and highways within the city; and shall, from time to time, report the condition thereof to the council, and recommend such repairs and permanent improvements thereon as he may deem necessary, or desirable.

3. He shall enforce all laws and ordinances, and the orders and regulations of the council concerning the use, occupation and obstruction of streets and public places and shall have authority to arrest any person violating the same.

4. He shall cause all ordinances and regulations of the council concerning the numbering of houses to be enforced and observed.

5. He shall superintend all street work and improvement, public or private, whether done by contract or otherwise; shall inspect all material used therein and shall reject all material found to be defective, improper or unsuitable. In case such work is being done by contract, he shall see that the terms of such contract are carefully observed by the contractor, notify the council of any deviation therefrom and, pending an investigation by that body, may suspend such work.

6. He shall supervise the cleaning and sprinkling of streets and shall see that all contracts therefor are fully performed on the part of the contractor.

7. He shall have general charge and supervision of the city's sewerage systems, both sanitary and drainage; shall see that all main and lateral sewers are maintained and kept, at all times, in good repair and suitable condition for use; shall cause said sewers to be flushed and properly cleansed; shall enforce and cause to be strictly observed all ordinances, rules and regulations of the city concerning connections with and the use of the city's sewers, and may arrest any person violating the same; shall issue permits for all connections with sewers and supervise the making thereof; shall superintend all extensions of the sewerage systems and the constructions of all new sewers; shall make and keep an accurate map or plat of the said sewerage systems, showing the location and grade of all sewers, flushers, manholes, etc., and all connections with such sewers; and shall perform such other duties in and about said sewers as the council may, at any time, require.

SEC. 26. Said city engineer and street superintendent shall perform such other duties and exercise such other powers as may be required of, or conferred upon him by the provisions of this charter, or by law, or by the ordinances of the city; and at the expiration of his official term, he shall deliver to his successor in office all books, records, maps, plats, profiles, field notes, memoranda and other property pertaining to his office and belonging to the city.

The City Attorney.

SEC. 27. There shall be a city attorney of Salinas City, who shall be appointed by the council and shall hold office during its pleasure. He must be an attorney at law, duly admitted and licensed to practice in the Supreme Court of the State of California, who has been actively engaged in the practice of his profession for at least five years, and who has been a resident of Salinas City for not less than three years immediately prior to his appointment.

SEC. 28. The city attorney shall prosecute, in behalf of the people, all persons charged with violating any of the provisions of this charter or any city ordinance, and he shall attend, on behalf of Salinas City, to all actions and legal proceedings to which said city or any officer thereof, in his official capacity, is a party, or in which it is legally interested; *provided*, that the council shall control all such litigation and may employ special counsel to assist the city attorney.

SEC. 29. He shall attend all meetings of the council and advise it in such matters as it may require. He shall be the legal adviser of all other boards and officers of the city's government and, when requested, shall give his opinion in writing, upon any legal matter, concerning the city's affairs, that may be submitted to him.

SEC. 30. He shall approve the form of all official or other bonds given to, or for the benefit of Salinas City and of all contracts to which said city or any officer thereof, in his official capacity, is a party, and shall endorse such approval, in writing thereon. He shall, when requested by the council or any committee or member thereof, draft any proposed ordinance or resolution.

SEC. 31. He shall, upon the written direction of the mayor, commence and prosecute to judgment, an action, in the name of Salinas City, against any person who has failed, in whole or in part to carry out any contract or agreement with the city, and against the sureties on the bond or undertaking of such person, if any was given.

SEC. 32. He shall, on the first Monday in each month, together with the mayor and city clerk, count all money in the city treasury; and he shall perform such other services as may be required of him by the provisions of this charter, or by the ordinances of the city.

ARTICLE IV.

JUDICIAL DEPARTMENT.

The Police Court.

SECTION 1. The judicial power of Salinas City shall be vested in a police court which shall be termed the Police Court of Salinas City, and shall be held by a police judge.

SEC. 2. Until the council shall cause the election of a police judge, as hereinafter provided, the mayor may appoint any justice of the peace of Monterey county, residing in Salinas City, police judge to hold said police court. Such appointment must be in writing and filed with the city clerk, and may be revoked at any time.

SEC. 3. The council may, at any time not less than ninety days prior to a regular municipal election, provide by ordinance for the election of a police judge and there-

after a police judge shall be elected at each regular municipal election and shall hold office for a term of two years and until his successor is elected and qualified. He must be a citizen of the State of California and must have resided in Salinas City for not less than five years immediately prior to his election. Any vacancy shall be filled by appointment by the mayor, which appointment must be confirmed by the council and the person so appointed shall serve during the remainder of the unexpired term.

SEC. 4. In all cases to which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree or is otherwise disqualified, and when by reason of sickness or other cause he is unable to act, the police judge may call in any justice of the peace of Monterey county to hold such police court and act in his place and stead.

SEC. 5. Said police court shall have exclusive jurisdiction:

1. Of all prosecutions for violations of city ordinances.
2. Of all actions for the recovery of any fine, penalty or forfeiture and enforcement of any obligation or liability, prescribed or created by the city ordinances and in which the sum sued for is less than three hundred dollars.
3. Of all actions for the collection of any tax or assessment levied for any purpose, where the amount of the tax or assessment sought to be collected from the person assessed is less than three hundred dollars; *provided*, that no liens upon the property assessed for, or on account of such assessment or tax shall be foreclosed in such action.

SEC. 6. Said police court shall have jurisdiction of the following offenses committed within the corporate limits of Salinas City:

1. Petit larceny.
2. Assault or battery, not charged to have been committed upon a public officer in the discharge of his duties, or to have been committed with such intent as to render the same a felony.
3. Breaches of peace, routs, riots, affrays, committing willful injury to property and all misdemeanors punishable by a fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or by both such fine and imprisonment.
4. Proceedings respecting vagrants and lewd or disorderly persons.

SEC. 7. Said police court shall have concurrent and co-ordinate jurisdiction with justice's courts in all actions and proceedings, civil and criminal, arising within the corporate limits of Salinas City and which might have been tried in a justice's court.

SEC. 8. The police judge shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations and take and certify acknowledgments. He may punish persons guilty of contempt of court and may issue warrants of arrests, subpoenas, venires, commitments, executions and all other necessary and proper writs and process, in the same manner as justices of the peace, and within the city, shall have the same power, authority and jurisdiction as such justices.

SEC. 9. In all proceedings in said police court, the rules of pleading, practice and procedure shall be the same as now are or may hereafter be prescribed for justice's court.

SEC. 10. Appeals may be taken to the Superior Court of the county of Monterey, State of California, from the judgments and orders of the police court of Salinas City in all cases in which appeals now are, or may hereafter be authorized by law from justice's courts or police courts.

SEC. 11. Said police court shall be open at all times for the transaction of business.

SEC. 12. The council shall provide court room with furniture, blanks, docket and stationery for the police court; and the chief of police shall provide a bailiff for said court and cause its writs and process to be promptly executed.

ARTICLE V.

SCHOOL DEPARTMENT.

SECTION 1. The school department of Salinas City shall consist of all public schools within the corporate limits of said city, including primary, grammar and high schools and all other schools supported by public revenue.

The Board of Education.

SEC. 2. The government of the school department of Salinas City shall be vested in a board of education consisting of five members, who shall be termed school trustees. At each regular municipal election, one school trustee shall be elected from each ward, by the qualified electors thereof, and one shall be elected from the city at large, and they shall hold office for a term of two years. The school trustee elected from the city at large shall be the president of the board of education. Every trustee must be a citizen of the State of California, not less than twenty-five years of age and the head of a family and must have resided in Salinas City for at least five years immediately preceding his election. The trustees elected from the respective wards must, also, be residents of the wards from which they are chosen.

SEC. 3. Any vacancy in the office of school trustee shall be filled by appointment by the board of education. The person so appointed must possess all the qualifications herein prescribed for school trustees and shall hold office during the remainder of the unexpired term.

SEC. 4. The board of education shall meet on the first Monday in July after each regular municipal election and organize; and it shall thereafter hold regular meetings not less than once each month, at such time and at such place, within the city, as it may, by

resolution, determine. Special meetings of the board may be called at any time by the president or by any two members thereof, by a notice in writing, specifying the time and place of holding such special meeting and the purpose for which it is called, and no business shall be transacted at such meeting other than that specified in the call. A copy of such notice must be personally served upon every member of the board then in the city not less than twelve hours prior to the time fixed for the meeting; *provided* that a special meeting of the board may be had at any time, without notice, if all the members are present and consent, in writing, thereto.

SEC. 5. All sessions of the board shall be public. A majority of its members shall constitute a quorum for the transaction of business and the affirmative votes of three members shall be necessary to pass or adopt any order or measure or elect any teacher.

SEC. 6. The board of education may make and adopt rules for its proceedings and enforce the same. It shall cause a record of its proceedings to be kept by its secretary, under its directions, which record shall be open to public inspection and, when demanded by any member of the board, the vote upon any matter shall be taken by "ayes" and "noes" and entered in such record.

Powers of the Board of Education.

SEC. 7. In addition to the powers conferred and the duties prescribed by the laws of this state, the board of education shall have power:

1. To establish and maintain public schools, as herein provided, and to change, modify, consolidate, or discontinue the same.

2. To employ and dismiss teachers, janitors, school census marshals and such other persons as may be necessary to carry on the work of the school department, and to fix, alter, allow and order paid their salaries or compensation and to withhold, for good and sufficient cause, the whole or any part of the compensation of any person or persons employed as aforesaid.

3. To manage and control all school property and property belonging to the school department, and to insure the same.

4. To make, establish and enforce all necessary and proper rules and regulations for the government of the public schools.

5. To prevent truancy and compel the attendance at school of children between the ages of six and fourteen who may be found idle in public places during school hours.

6. To investigate all charges preferred against employes of the school department, take testimony therein and to prescribe rules for the conduct of such investigations.

7. To establish and regulate the grade of schools; to prescribe the course of study and mode of instruction to be pursued therein and to determine what text-books, in addition to those published by the state, shall be used in said schools; but any text-book adopted by the board shall not be changed for a period of six years after it is adopted.

8. To provide the school department with all necessary supplies, including registers, stationery, blanks, maps, chemicals, mechanical apparatus, light, fuel and all other articles and things necessary for carrying on the public schools and maintaining the department.

9. To build, alter, repair, rent and provide school houses; to furnish the same with proper school furniture and apparatus and to provide for cleaning and lighting the same.

10. To grade, fence and improve school lots.

11. To prohibit children under six years of age from attending public schools, other than kindergarten schools.

12. To admit non-resident children to any school in the department, upon the payment of such tuition fees as it may fix therefor.

13. To furnish text-books and other necessary books to children whose parents are unable to furnish them, and to provide for the preservation and return of such books after use.

14. To receive and manage any property or money acquired by bequest or donation, in trust for the benefit of any school, educational purposes, or school library and to carry into effect the terms of such bequest or donation, so far as not in conflict with law.

15. To dispose of, at public or private sale, such personal property as shall be no longer required by the department.

16. To exclude from schools and school libraries all books, publications and papers of a sectional, partisan or denominational character.

17. To provide and maintain school libraries and prescribe rules for the government thereof.

18. To examine and allow, in whole or in part, or reject all claims and demands payable out of the school fund.

19. To use and apply the city's school fund for, and to the purposes herein named, but, no other.

20. To determine annually the amount of money necessary to be raised by taxation for the maintenance of the public schools and support of the school department of Salinas City during the next fiscal year, and report such estimate to the council prior to the first Monday in August of each year. Such estimate shall show, in detail, the amounts of money required, in addition to the state and county school moneys, to maintain the primary and grammar schools, the amount required for the high school and such other schools as may be maintained by the board, and the amount necessary to pay all fixed and incidental expenses of the department. The council, when fixing the annual tax rate, shall levy and assess, as a school tax for the support and mainte-

nance of the school department, such amount as the board of education has reported necessary for that purpose, provided that such assessment shall not exceed twenty-five cents on each one hundred dollars valuation of property appearing on the city assessment roll for the current fiscal year.

21. To do and perform all other acts and things that may be necessary and proper in the exercise of the powers conferred upon said board, or to enable it to perform the duties imposed upon it by the provisions of this charter.

SEC. 8. The board of education shall prescribe a course of study in the Salinas High School that will fit and prepare students to enter any department of the State University.

SEC. 9. The board of education may provide and maintain schools for the training of pupils for industrial and domestic and commercial vocations and may furnish such schools with the necessary tools, implements, apparatus and appliances.

SEC. 10. The school year shall consist of forty weeks.

SEC. 11. On or before the first day of April of each year, the board of education shall appoint a school census marshal and fix his salary or compensation. The census marshal shall perform such services as are required of him by the laws of the State of California and such additional services as the board may prescribe.

SEC. 12. All teachers employed in the public schools of the city shall possess the qualifications required of teachers by the board of education of Monterey county; must have had not less than two years' actual experience as a teacher in the public schools of this state, and shall possess such other qualifications as the board may, by rule, prescribe; *provided*, that persons employed to teach special subjects need possess only such qualifications as shall demonstrate their fitness for their special work.

SEC. 13. The board of education shall not employ any person for a period of more than one year, and in the absence of a special contract in writing (which shall not be for a period exceeding one year) no election or appointment of a teacher, janitor or other employé shall constitute a contract, either as to any fixed duration of employment or rate of compensation, but the board shall at all times have power to dismiss any teacher, janitor, or employé, or to alter the amount of their salary or compensation.

SEC. 14. All contracts for building school houses and all contracts for altering, repairing, painting and furnishing the same when the expense thereof exceeds one hundred dollars, and all contracts for supplying fuel, stationery, school supplies, etc., shall be let to the lowest responsible bidder, after due public notice given by publication for at least ten days in a daily newspaper, published and circulated in Salinas City. The person to whom any such contract is awarded may be required to give security to the city for the faithful performance thereof, in such reasonable sum as the board of education may fix and with such sureties as said board may approve. The board shall at all times have the right to reject any and all bids for such contracts.

SEC. 15. Each school trustee shall personally visit every school in the city at least twice during each school term, and examine carefully as to the condition, management and wants thereof; and failure to comply with the provisions of this section shall be ground for removal from office.

City Superintendent of Schools.

SEC. 16. The board of education shall, on the first Monday of July of each year, elect a city superintendent of schools who shall be, ex-officio, secretary of the said board and shall hold office for a term of one year. He must be a practical educator, possessing all of the qualifications herein prescribed for teachers and not less than twenty-five years of age at the time of his election. Any vacancy in the office shall be filled by the board of education and the person so elected shall hold office during the remainder of the unexpired term.

SEC. 17. The city superintendent of schools shall, subject to the board of education, have general charge of all school houses and school property belonging to the department, and shall see that the same are not injured, wasted or destroyed. He shall have general supervision and control of the public schools in the city, and the teachers employed therein; shall report to the board any misconduct, inattention, negligence, or lack of ability on the part of any teacher and may, when he deems that the interests of the department require, suspend any teacher from duty and report such suspension, together with the cause thereof, to the board at its next meeting. He shall cause all rules and regulations adopted by the board of education for the government of schools to be strictly enforced and observed and may suspend or expel any pupil for violation thereof, willful destruction of or injury to school property or misconduct, reporting such action to the board at its next meeting. Any pupil suspended or expelled may appeal to the board of education, which must, thereupon, without unnecessary delay, examine into the matter and may affirm, modify or reverse the order of the superintendent.

The city superintendent shall grade the classes in the schools and classify the pupils as to the grade and classes they shall attend and, subject to the power of the board to change the same, shall assign teachers to such classes as he deems proper. He shall see that none but the authorized text-books are used; shall, from time to time, recommend to the board such alterations or changes in, or additions to the course of study, the grade of schools, list of authorized text-books and the rules and regulations of the department as he may deem beneficial. He shall, in June of each year, make to the board a full and detailed report of the progress of schools during the past year; their present condition; the number of teachers employed and pupils instructed in each department; the condition of the school houses, furniture, apparatus and school prop-

erty and such other matters as may be required of him, and he shall perform such other duties concerning the school department, as may be required of him by the provisions of this charter, by the laws of the state, or by the rules or regulations of the board of education.

SEC. 18. The city superintendent of schools, as secretary of the board of education, shall attend all meetings of said board and keep a record of its proceedings and he shall have power and authority to administer oaths and affirmations concerning any claim or demand payable out of the school funds and other matters relating to his official duties. He shall prepare and, on the first Mondays in January and July of each year file with the city clerk, an itemized statement showing the income and revenue of the school department for the six months last past, its disbursements and its financial condition at the end of said time.

The School Fund.

SEC. 19. The school fund of Salinas City shall consist of all moneys received from the state and county school fund, all moneys arising from taxes which shall be levied for school purposes in the city, all money arising from the sale, rent or exchange of any school property and such other moneys as may, from any other source, be paid or contributed to the city for school purposes. Said fund shall be kept separate and distinct from any other moneys of the city and shall be used for school purposes only, and in the manner provided in the charter. If at the end of any fiscal year, any surplus remains in the school fund, it must be carried forward to the next fiscal year and no part of said fund shall be transferred or diverted to any other fund or be used for any purpose not herein authorized.

SEC. 20. In case of disaster from riot, earthquake, fire, or the public enemy, or in case any of the buildings belonging to, or used by the department are in urgent need of repair, the board of education, with the approval of the council, may incur extraordinary expenditures in excess of the annual limit prescribed, and the council may cause to be transferred to the school fund, from any money in the city treasury not otherwise appropriated, a sum sufficient to defray such extraordinary expenditures.

SEC. 21. All claims and demands payable out of the school fund, shall be itemized and made out on blank forms adopted and furnished by the board of education for that purpose, verified by the oath of the claimant or some other person in his behalf, and filed with the secretary of the board, and until a claim is so made out, verified and filed, the board shall not consider or act upon it. At its regular monthly meeting, the board shall examine and allow, in whole or in part, or reject all such claims then on file with its secretary. The secretary shall keep a record of all such claims, showing the date, nature and amount of each, the name of the claimant and the action of the board of education concerning the same; and he shall draw and countersign a warrant or requisition for the amount of all allowed claims, which shall be signed by the president of the board and delivered to the claimant, his agent or assignee. The secretary of the board shall, also, on the first Monday of each month, without presentation of a claim therefor, draw and countersign a warrant or requisition for the salaries of all teachers, janitors and other permanent salaried employes of the school department, for the preceding calendar month, which shall be signed by the president of the board and delivered to the persons in whose favor they are drawn.

ARTICLE VI.

ELECTIONS.

SECTION 1. Elections held in Salinas City for municipal purposes shall be of two kinds, namely: regular municipal elections and special municipal elections.

SEC. 2. Regular municipal elections shall be held in this city biennially, on the first Monday in June, commencing on the first Monday in June, 1903. At the first regular municipal election held under the provisions of this charter, there shall be chosen all of the elective officers herein provided for; and at each regular municipal election thereafter, there shall be chosen a mayor, city clerk and assessor, city treasurer and collector, one councilman from each ward, one school trustee from each ward and one school trustee from the city at large.

SEC. 3. All officers elected at a regular municipal election shall, unless herein otherwise provided, take their respective offices on the first Monday in July next succeeding their election, at twelve o'clock, noon, of that day.

SEC. 4. Special municipal elections shall be held at such times and for such lawful purposes as the council may determine.

SEC. 5. The general laws of the State of California, concerning elections, shall, so far as applicable and not inconsistent with the provisions of this charter, apply to and govern all municipal elections in the city; and the council and city clerk, respectively, shall exercise the powers and perform the duties, concerning elections, conferred and imposed by those laws, upon boards of supervisors and county clerks.

SEC. 6. The council shall, by ordinance, call all regular and special municipal elections and provide for giving notice thereof for at least thirty days prior thereto and for holding and conducting the same.

SEC. 7. The council may district and divide the city into municipal election precincts for municipal election purposes and may alter the same, and in so doing shall follow as closely as possible the lines of the precincts established in said city by the board of super-

visors of Monterey county for general election purposes, but each ward shall constitute at least one precinct and no municipal election precinct shall embrace parts of two or more wards.

SEC. 8. The council shall appoint all election officers; provide and designate voting places in each municipal election precinct and cause to be procured and furnished at such voting places, at the time fixed for each municipal election, all necessary furniture, apparatus and stationery.

SEC. 9. Every person who resides within the corporate limits of Salinas City at the time of holding any municipal election, who was a qualified elector at the general state election immediately preceding such municipal election and who at the time of holding such general state election was upon the great register of Monterey county as a qualified elector of any one of the precincts which compose the municipal election precinct in which he resides at the time of such municipal election, shall be entitled to vote at such municipal election without other or additional registration.

Any other person residing within the city at the time of holding a municipal election, who has been registered upon the great register of Monterey county as an elector of and within one of the precincts comprising the municipal precinct wherein he resides, at least twenty-five days prior to such election, and who resides within the exterior boundaries of such municipal election precinct at the time of such election, shall also be entitled to vote at such municipal election.

SEC. 10. The register of municipal elections to be used at each municipal election precinct, shall consist of a copy of the great register of Monterey county used at the last preceding state election, for the precincts which compose each municipal election precinct, together with the additional names of those persons who, by registration since such election, are entitled to vote at the municipal election and within such municipal election precinct.

SEC. 11. The council shall, prior to each municipal election held in this city, procure from the county clerk of Monterey county, or cause to be prepared, certified and indexed, a municipal election register for each municipal election precinct in the city, and furnish the same with a sufficient number of indexes thereof, to the board of election officers of such precinct.

SEC. 12. The election returns from each municipal election precinct shall, as soon as completed and sealed, be filed with the city clerk, who shall keep the same in some secure place and permit no person to handle, inspect, examine or in any manner interfere therewith, until canvassed by the council. After being canvassed, they shall be sealed and kept by the city clerk for a period of one year and shall be opened only upon the order of a court of competent jurisdiction. If at the end of that period, no contest or other legal proceeding concerning said election has been commenced or is pending, the clerk shall burn said returns and all ballots and other records delivered to him therewith, without opening or in any manner examining the same.

SEC. 13. The council shall meet within five days after each regular or special municipal election held in this city, and canvass the returns and declare the result thereof.

SEC. 14. The city clerk shall, forthwith, issue to every person who has been appointed, or who has been declared elected to any city office and who has filed the statement of moneys furnished and used in aid of his election, as required by the general laws of the state, a certificate of such appointment or election, under his hand and the corporate seal of the city, which certificate he shall deliver to such person.

ARTICLE VII.

POLICE DEPARTMENT.

SECTION 1. The police department of Salinas City shall consist of a permanent force of such number of policemen, not less than three, as the council shall, from time to time, determine. The government and control of the police department shall be vested in the council.

SEC. 2. All policemen shall be appointed by the council and shall hold office until removed in the manner herein provided. Every policeman must be a citizen of the State of California and a resident of Salinas City for at least one year immediately prior to his appointment. He must also be a man of good reputation for honesty, morality and sobriety; not less than twenty-five nor more than fifty years of age; able to read and write the English language without difficulty and must successfully undergo such physical examination as the council may, by rule, prescribe. No person shall be appointed a policeman who has ever been convicted of a felony or of any offense involving moral turpitude or actual dishonesty, or who is deficient in health, strength or courage. In making such appointments, the council shall be guided by the fitness of the applicant for the position and no person shall be appointed to, or removed from the police force on account of his political opinions.

SEC. 3. The council shall fix the salary or rate of compensation of all officers and members of the department and provide for the payment thereof; prescribe their badges of office and uniforms, make and adopt such rules and regulations for the government of the police force as it may deem necessary or proper and prescribe penalties for the violation thereof; hear and determine all complaints and charges of misconduct, inefficiency, violation of the rules of the department, or other offenses made against any officer or policeman and, if found guilty, punish the offenders by a fine, suspension or dismissal, as it deems proper.

SEC. 4. Members of the police force shall promptly obey all lawful orders of their superiors and the rules and regulations of the department; enforce the laws of the state and the ordinances of the city; suppress all riots, affrays and disturbances of the peace; abate nuisances; be diligent in the detection of crime and the arrest and conviction of public offenders and perform such other duties as may be required of them by the council or by law.

SEC. 5. The council shall, from the members of the police force appoint a chief of police, who shall hold office during its pleasure.

SEC. 6. Subject to the general supervision of the mayor, the chief of police shall have command and control of the police force. He shall cause the rules and regulations of the department to be enforced and obeyed and may suspend any policeman for the violation of such rules, disobedience of orders, neglect of duty, drunkenness, or misconduct, reporting such suspension, with the cause thereof, to the mayor at once and to the council at its next meeting. He shall cause the laws and the city ordinances to be enforced within said city and see that all lawful orders and process of the council and the city police court are promptly executed. For the purpose of suppressing riots, public tumults and disturbances, or organized resistance of the law or of public officers in the performance of their duties, he shall, within Salinas City, have all of the powers which are now or may hereafter be conferred upon sheriffs and his lawful orders shall be promptly obeyed by all policemen. He shall have charge and control of the city prison and all persons detained therein and shall perform such other duties as may be required of him by law, the provisions of this charter, the ordinances of the city and the rules and orders of the council.

SEC. 7. The council may create and appoint such subordinate officers of the police department as it may deem necessary or desirable, prescribe their duties and fix their compensation.

SEC. 8. No officer or member of the police department shall take any part whatever in any political caucus or convention, or be a member of any political club or committee, or take part in any primary or regular election, except to vote thereat; and disobedience of the provisions of this section shall be punished by dismissal from the department.

SEC. 9. The chief of police and all members of the department shall devote their entire time to the discharge of their official duties and shall not absent themselves from the city, except in pursuit of persons accused of crime, without first obtaining leave of absence from the council.

SEC. 10. Any policeman shall have authority to execute all orders and process of the city police court, both civil and criminal.

SEC. 11. Whenever the council shall deem it necessary, a patrol system may be provided for the use of the police department.

SEC. 12. No regular member of the police department shall be dismissed or discharged therefrom, except for cause after a trial before the council. Every member shall have notice of any charge or complaint preferred against him and of the time and place fixed for hearing the same and may appear and defend, either in person or by attorney. The council shall prescribe rules for the conduct of such trials and investigations.

SEC. 13. In addition to the regular police force, the mayor may, when in his judgment circumstances require, appoint such number of special policemen as he may deem necessary for the safety of the city and its inhabitants. Such special policemen shall be appointed to serve for not exceeding two weeks, unless the council shall authorize a longer employment. They shall perform the same duties as regular policemen and shall receive such compensation as the council shall prescribe.

The council may, upon the petition of any person, firm or corporation, residing or having property interests in Salinas City, appoint one or more special policemen for special service. The locality where each of such last mentioned special policemen is to act shall be set forth in his certificate of appointment, and they must be paid by the person, firm or corporation requiring their services.

All special policemen shall have the same powers and perform the same duties as the regular police officers, and shall be under the direction and control of the chief of police and subject to the rules and regulations of the police department.

ARTICLE VIII.

FIRE DEPARTMENT.

SECTION 1. The fire department of Salinas City shall consist of a chief engineer and such other officers as the council may, by ordinance, create; such volunteer or paid fire companies as may be admitted thereto by the council; the city's fire alarm telegraph system; all fire engines and apparatus for preventing or extinguishing fires belonging to the city and all persons employed in or about the preservation or use thereof.

SEC. 2. The council shall, by ordinance, provide for the organization, maintenance and government of the fire department; the organization and admission thereto of such volunteer or paid fire companies as it may deem proper, and for the election or appointment of the chief engineer and such other officers as it may create and such employees as it may deem necessary. The council shall also cause the fire department to be supplied with all necessary apparatus and appliances for the prevention and extinguishment of fires, and provide for the proper care and preservation thereof.

SEC. 3. The council may, by ordinance, authorize the fire companies belonging to the department, or the officers of the department, or such thereof as it may designate, to adopt such rules and regulations for the government of said companies and the department as are not inconsistent with the provisions of this charter or the ordinances of the city, and may provide for enforcing such rules and regulations.

SEC. 4. The chief engineer shall be the executive officer of the fire department and ex-officio fire marshal of the city. He shall possess such qualifications, shall be chosen in such manner, and shall serve during such term as the council may provide. He shall have general supervision and control of all subordinate officers, the members and employes of the department and the apparatus and appliances belonging thereto; shall cause the laws, orders, rules and regulations thereof and the ordinances concerning the department to be observed and carried into effect and shall perform such other duties as the council may prescribe. He shall also act as fire warden of the city and see that all ordinances relating to the fire limits, the construction of buildings and the storing of combustible material and explosives within the city limits are enforced and observed; and in the performance of his official duties he shall have the same power and authority to make arrests as that vested in police officers.

ARTICLE IX.

DEPARTMENT OF PUBLIC HEALTH.

The Board of Health.

SECTION 1. The department of public health of Salinas City shall be under the management and control of the board of health. Said board shall consist of three members, appointed by the mayor and confirmed by the council, each of whom shall be at least thirty years of age and a resident of Salinas City for not less than two years immediately preceding his appointment. Two of the members of said board must be physicians, duly licensed according to the laws of the State of California, who have been actively engaged in the practice of their profession for not less than five years prior to their appointment.

SEC. 2. The first mayor elected under the provisions of this charter shall, within thirty days after taking office, appoint the members of the board of health. Those first appointed shall so classify themselves, by lot, that one shall hold office for one year, one for two years and one for three years; and after said board is first appointed, the mayor shall in the month of July of each year appoint one member thereof to serve for a term of three years and until his successor is appointed, confirmed and qualified. Any vacancy in the board shall be filled by appointment by the mayor, which appointment must be confirmed by the council, and the person so appointed shall serve during the remainder of the unexpired term.

SEC. 3. Immediately after the appointment and qualification of its members, the board of health shall organize by electing from its own number a president and secretary, who shall hold their respective offices during the pleasure of the board. Said board shall hold regular meetings at least once in each month, at such times and place as it shall, by resolution, determine, and it may hold special meetings at any time, upon the call of the president or any two members of the board. All meetings of the board must be public and two members shall constitute a quorum for the transaction of business.

SEC. 4. The board of health, subject to the ordinances of Salinas City, shall have supervision of all matters pertaining to the sanitary condition of the city and the public buildings and institutions thereof; and full powers are hereby granted to said board to remedy all cases of foul or defective drainage, to cause the sanitary cleaning and disinfecting of streets, alleys, cellars, cesspools, sewers and low places within the city and to abate all nuisances within said city likely to produce disease or to injuriously affect the health of the inhabitants thereof.

SEC. 5. The board of health shall be the custodian of all birth, death, cemetery and other similar records, now belonging to Salinas City or which may hereafter be kept by the authority of this charter or any ordinance of the city; and said board shall adopt and cause to be published such forms for the use of physicians, midwives, undertakers and superintendents of cemeteries, and enact such rules and regulations for the use thereof, as it may deem best calculated to secure reliable vital and mortality statistics and to carry into effect such ordinances as the council may pass for that purpose.

SEC. 6. The board of health shall have power and authority to provide for the inspection of milk, meat, vegetables, fruit and other articles of food sold or offered for sale in the city and to carry into effect all ordinances and regulations of said city intended to prevent the sale of unwholesome food therein, and said board may cause any of the aforesaid articles, when found infected with disease, in an impure, diseased or unwholesome condition, or for any other reason, unfit for human consumption, to be seized and destroyed.

SEC. 7. The board of health shall have general charge, supervision and control of all hospitals and pesthouses which may be established or maintained by the city; shall appoint and discharge all physicians, nurses, and other employes in and about such institutions and prescribe their powers and duties; and may adopt and enforce such rules and regulations as it may deem necessary and proper for the government thereof.

SEC. 8. Whenever a case of leprosy, Asiatic cholera, bubonic plague, yellow fever, smallpox, diphtheria or any other highly contagious or infectious disease is found in Salinas City, the board of health may cause the person afflicted to be removed to a

hospital or pesthouse, or it may quarantine the premises where he is situated, exhibit a yellow flag or a notice at a conspicuous place thereon, and cause the quarantine to be strictly enforced so long as the public safety requires, by placing guards about said premises or otherwise.

SEC. 9. The board of health may proclaim such quarantine, and establish and declare such quarantine districts and the boundaries thereof as may, in its judgment, be necessary for the preservation of the public health; and it may, when deemed necessary, require all railroad cars and other public conveyances, before the same stop or discharge passengers at any depot or other stopping place in the city, to stop at a district selected for quarantine purposes and leave such persons with their stores and baggage as in the opinion of the board or of physicians acting under its directions, may be deemed necessary.

SEC. 10. The board of health may make such rules and regulations for the government and proper management of quarantine, as it may deem necessary.

SEC. 11. The board of health may require the owner of any building, house, room or premises, where any person afflicted with leprosy, Asiatic cholera, bubonic plague, yellow fever, smallpox, diphtheria, consumption, or any other contagious or infectious disease has been confined, or where any person has died from any such disease, to be disinfected before the same is again used, or to cause the same to be disinfected and recover the cost thereof from the owner of such premises.

SEC. 12. The board of health may condemn and cause to be disinfected or destroyed any beds, bedding, clothing, or other articles of personal property which have been exposed to infection with any infectious or contagious disease.

SEC. 13. The board of health shall prescribe rules and regulations for the fumigation and disinfection of buildings, premises, bedding, clothing and other articles which have been infected or exposed to infection with any contagious or infectious disease; and all disinfections required by any ordinance or regulation of Salinas City shall be conducted in conformity with such rules and to the satisfaction of the board.

SEC. 14. The board of health shall at least once in each year and oftener if required by the council, visit all school houses and public buildings in the city and examine the manner in which they are lighted, ventilated and heated and especially into their sanitary condition and report the condition thereof to the council.

SEC. 15. Whenever the board of health shall determine that any building or part thereof is unfit for human habitation, by reason of its being infected with disease or from any other cause, so that it is likely to cause sickness among its occupants it may cause said building to be vacated and remain vacant until placed in a proper sanitary condition.

SEC. 16. The council shall, by ordinance or otherwise, provide for carrying into effect the powers herein granted to the board of health and enforcing such orders and regulations as it may, from time to time, adopt; and all expenses necessarily incurred by the board in the performance of its duties shall be a charge against the city and, after being certified by the board, shall be audited and allowed by the council.

SEC. 17. In the absence of a health officer, the chief of police shall be the executive officer of the board of health and he shall at all times, upon the demand of the board, detail a sufficient number of regular or special police officers to maintain all quarantines proclaimed by it and enforce its lawful orders.

SEC. 18. The council may at any time, by ordinance, authorize the appointment of a health officer of Salinas City, but when such office is so created it shall not be abolished. The health officer shall be appointed by the board of health and shall hold office during its pleasure. He shall be a citizen of the State of California and must have resided in the city for at least one year immediately before his appointment. He shall attend all meetings of the board of health and shall be the executive officer of said board. He shall see that all quarantines declared by it are strictly enforced and that its lawful orders are observed and obeyed; superintend all cleansings and disinfections required by it; act as food inspector; issue all permits for burial in and removal from all cemeteries in, or belonging to the city and perform such other duties as may be required of him by law, the ordinances of the city and the orders and regulations of the board of health. He shall have the same powers of a police officer to arrest persons for violations of the city's sanitary ordinances. With the consent of the council, the health officer may appoint as many deputies as he may require to assist him in properly discharging his official duties.

SEC. 19. All members of the board of health, the health officer and any employee of said board when authorized by it, shall have the right at all reasonable hours, to enter upon any private premises or into any private house or building for the purpose of examining into the sanitary condition thereof, or to ascertain whether any nuisance or condition detrimental to the public health exists thereon or therein.

ARTICLE X.

TAXATION AND REVENUE.

SECTION 1. The council shall annually levy and collect a tax upon all real and personal property, situated within Salinas City, made taxable by law for state and county purposes.

SEC. 2. On or before the first Monday in July of each year, the city assessor shall make and complete his list of taxable property or assessment roll for the city and shall

attach his certificate thereto and deliver the same to the council. Upon receiving such assessment roll, the council shall fix the times and place for meetings of the board of equalization and the city clerk shall give notice thereof by publication, for at least ten days prior thereto, in a daily newspaper, published and circulated in Salinas City.

SEC. 3. The council shall constitute the board of equalization to equalize said assessment roll. It shall meet on at least three different days, at such times and place as the council may fix, and it may adjourn from day to day thereafter until the business brought before it is completed; not later, however, than the last day of said month of July. Its sessions shall be public. Said board of equalization shall have power to increase or diminish the amount of any assessment on said list and, as regards the equalization of said roll, it shall have the same powers as those conferred by law upon boards of supervisors when sitting as a board of equalization to equalize assessments for state and county taxes. When such assessment roll has been equalized, it shall be returned to the city assessor.

SEC. 4. The council shall, in the month of August of each year, by ordinance, fix the rate of taxes to be levied, and levy the tax upon all taxable property, real and personal, within the city, necessary to raise sufficient revenue to carry on the various departments of the municipal government during the current fiscal year; *provided that*, except as in this charter otherwise provided, the rate of taxes so levied shall not exceed in any one year, one dollar upon each one hundred dollars in valuation of property assessed, exclusive of the amount required to pay the principal and interest of the city's bonded indebtedness.

SEC. 5. The council shall establish, by ordinance, separate funds, representing the several funded obligations of the city, if any, and the several departments requiring municipal expenditures, including a general fund; and the annual tax levy shall name the percentage of said levy for each of said funds and the whole amount of the taxes and revenue of the city shall be apportioned accordingly. No transfer of money shall be made from one fund to another, except of balances in excess of the amount required in a fund, or from the general fund to meet deficiencies, or to provide for the redemption of city bonds, unless otherwise in this charter provided.

SEC. 6. As soon as the council has fixed the rate, the city assessor must compute and enter in a separate column on the assessment roll, the respective sums, in dollars and cents (rejecting fractions of a cent) to be paid on the property therein listed, and foot up the columns showing the total amount of taxes levied, and, on or before the first Monday in October, deliver the roll, so completed, to the city collector.

SEC. 7. The council shall have power and it is hereby made its duty to provide, by ordinance, the mode of making out assessment rolls, ascertaining the value of property and equalizing the same and levying and collecting city taxes. All sales of property for delinquent city taxes, authorized by the provisions of such ordinances, and all conveyances executed in pursuance thereof, shall have the same force, effect and validity as sales and conveyances made and executed for delinquent taxes levied for state and county purposes. All taxes so levied shall be a lien upon the property assessed, and all taxes levied upon personal property shall be a lien upon the real property of the owner thereof and such lien shall attach on the first Monday in March in each year, at twelve o'clock, noon of that day.

SEC. 8. All public money collected or received by any officer or employee of the city shall be paid into the city treasury without any deduction on account of any claim for fees, commissions, or any other cause or pretense.

SEC. 9. Every officer and regularly salaried employee of Salinas City and every other person authorized to collect or receive money for, or on account of said city shall, on the first Monday in each month, make and file with the city clerk a statement, duly verified, of all money belonging to said Salinas City collected or received by him during the calendar month last past and upon receiving the necessary certificate from the clerk, he shall pay the same into the city treasury. If no such money is received during any month, the statement shall show that fact.

SEC. 10. The territory embraced within the corporate limits of Salinas City shall constitute a separate road district of Monterey County, which shall be known as and termed the Salinas City Road District.

All taxes levied and collected in said road district for road purposes pursuant to the provisions of this charter, or pursuant to the provisions of any law of the state, now in force or hereafter to be enacted, shall constitute the road fund of said Salinas City Road District and shall be laid out and expended for the construction and improvement of roads, streets and highways within said district, under the direction and supervision of the council of Salinas City.

The officers of Monterey County charged by law with the assessment of property and the levy and collection of taxes shall make and keep a separate list or assessment roll of the taxable property situated within the Salinas City Road District, and shall, annually, at the time and in the manner that other property taxes for highway purposes are levied and collected, levy upon such property and collect a tax, for highway purposes, uniform in rate with the tax levy for such purposes in other districts of said county.

Such taxes, when collected, shall be paid into the county treasury of Monterey County, to the credit of the Salinas City Road Fund, and upon demand of the council of Salinas City, properly certified by the mayor and city clerk of said city, the auditor of Monterey County shall draw a warrant upon the county treasurer in favor of the city treasurer of Salinas City for the amount of money in said Salinas City Road Fund specified in said demand.

The treasurer of Monterey County shall, upon the presentation of such warrant, pay the amount to the city treasurer of Salinas City, who shall place the same in the city treasury, to the credit of the city road fund and shall pay the same out only upon warrants duly drawn and countersigned as provided for in this charter.

ARTICLE XI.

CLAIMS AND DEMANDS.

SECTION 1. The salary of all city officers and regular employees entitled to a salary fixed by the provisions of this charter or by ordinance (except the city superintendent of schools, teachers and employees of the school department) shall be paid monthly out of the general fund of the city treasury. The city clerk shall, on the first Monday in each month, draw and countersign a warrant in favor of each such officer and employee for the amount of his salary for the previous month, which warrants shall be signed by the mayor. Upon any such officer or employee accounting for, and paying into the city treasury all money belonging to the city collected or received by him as required by the provisions of Section 9, Article X hereof, or in case he has received no such money, upon filing the required statement to that effect, the clerk shall deliver to him his salary warrant; but no such officer or employee shall receive a warrant for his salary for any money until he has accounted for and paid into the city treasury all money belonging to said city collected or received by him or in his possession or control.

SEC. 2. The salary of the city superintendent of schools and of all teachers and other persons regularly employed by the board of education at a fixed salary or rate of compensation, shall be paid monthly, out of the school fund. The secretary of the board of education shall, on the first Monday in each month, draw and countersign a warrant or requisition in favor of each such teacher and employee for the amount of his salary for the previous calendar month, which warrants or requisitions must be signed by the president of the board of education and delivered to the persons entitled thereto. Before signing the warrant or requisition for the salary of the city superintendent of schools for any month, the president of the board of education must require of him a certificate from the city clerk that he has accounted for all money belonging to Salinas City which has come into his hands during the past month and has paid the same into the city treasury.

SEC. 3. All claims and demands whatever against Salinas City, except salaries, interest coupons on bonds and bonds of the funded debt, shall be paid only on claims as herein provided.

SEC. 4. All such claims (except those payable out of the school fund or library fund) shall be itemized and made out on blank forms adopted by the council and furnished by the clerk for that purpose, verified by the affidavit of the claimant or some person in his behalf, and filed with the city clerk; and until a claim is so made out, verified and filed, it shall not be considered by the council. At its regular monthly meeting and at such other times as it may desire, the council shall examine and allow, in whole or in part, or reject all such claims, then on file with the city clerk. The action of the council respecting each claim shall be forthwith endorsed thereon and certified by the signature of the mayor.

SEC. 5. Immediately upon the allowance of any claim or demand by the council, the city clerk shall draw and countersign a warrant in favor of the claimant against the proper fund of the city treasury for the amount for which such claim was allowed, and, after such warrant has been signed by the mayor, deliver it to the person entitled thereto.

SEC. 6. No suit or action shall be brought or maintained against Salinas City upon any claim or demand for money or damages until a claim therefor has been presented, as in this charter required, and rejected, either in whole or in part, nor shall suit be brought against the city upon any such claim or demand which has been presented and allowed in full; but if rejected in part suit may be brought to recover the whole of such claim.

ARTICLE XII.

OATH OF OFFICE, OFFICIAL BONDS AND SALARIES.

The Oath of Office.

SECTION 1. Every officer of Salinas City, after being elected or appointed and before entering upon the discharge of his official duties, shall take, subscribe and file with the city clerk the following oath:

"I, (here insert name) do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will perform the duties of (here insert name of office) to the best of my ability. So help me God."

Official Bonds.

SEC. 2. Every officer of Salinas City, after being elected or appointed and before entering upon the duties of his office, shall execute and give to said city such official bond as may be required of him by law, by the provisions of this charter, or by the ordinances of the city.

SEC. 3. All official bonds shall be made payable to Salinas City and must be conditioned that the principal will well and faithfully perform all official duties that are or may thereafter be imposed upon or required of him by law, the provisions of this

charter or the ordinances of the city; and that, at the expiration of his term of office, he will surrender to his successor all property, books, papers and documents that may come into his possession as such officer. Such bond must be executed by two or more sureties or by some responsible surety company authorized by law to become a surety upon bonds; and all such sureties shall justify in the manner required by law of sureties upon official bonds. No city officer or employee shall become or be accepted as a surety upon any such bond. Persons holding two or more offices which have been consolidated by the provisions of this charter shall execute but one bond, which shall secure the faithful performance of all of their official duties.

SEC. 4. All official bonds shall be approved by the mayor and filed with the city clerk who shall record them in a book to be kept by him for that purpose. After recording, the clerk shall safely keep all such bonds, except his own, which he shall deliver to the mayor, who shall be the custodian thereof.

SEC. 5. The following named officers shall execute bonds in the following amounts respectively:

City Clerk and Assessor	\$5,000
City Treasurer and Collector	20,000
City Engineer and Street Superintendent	2,500
Chief of Police	1,000

The council may, at any time, increase the amount of bonds required of the aforesaid officers, or any of them, and may require bonds of any other officer or employee of the city and fix the amount of such bonds.

SEC. 6. The council may, at any time, require an additional bond of any officer whose bond it deems insufficient, and upon the failure of such officer to furnish a satisfactory bond in the additional amount required by the council within ten days after the same is demanded, his office may be declared vacant.

SEC. 7. If any person shall fail or neglect for the period of ten days after receiving notice of his election or appointment to any office of Salinas City to qualify therefor by taking the oath of office as herein prescribed and filing the required bond, if any, his election or appointment shall forthwith become null and void.

Salaries.

SEC. 8. The mayor, all councilmen, school trustees, members of the board of health, library trustees and park commissioners shall receive no salary or compensation for their services.

SEC. 9. The council shall, by ordinance, fix the salary or compensation of the city clerk and assessor, city treasurer and collector, city engineer and street superintendent, city attorney, police judge, chief of police, police officers, and all other officers and employees of Salinas City (except as otherwise herein provided) which it shall decide are entitled to salary or compensation.

SEC. 10. The board of education shall fix the salary or compensation of the city superintendent of schools, all teachers, janitors and other employees of the school department.

SEC. 11. The board of library trustees shall fix the salary or compensation of the librarian and all other employees in and about the Salinas Public Library.

SEC. 12. The salary of an officer for whom a definite term of office has been fixed by the provisions of this charter, shall not be increased or diminished after his election or during the term of his office.

ARTICLE XIII.

PUBLIC UTILITIES.

SECTION 1. No exclusive franchise or privilege shall be granted by Salinas City for any purpose. In granting franchises the council shall be governed by the general laws of the state in force at the time, but in each instance it may impose such additional lawful conditions, limitations and restrictions as, in its opinion, subserve the public interest and welfare.

SEC. 2. The council may, after being duly authorized thereto by the vote of two-thirds of the electors of Salinas City voting at a special election called for that purpose, lease, purchase, construct, acquire, own, control, manage and operate street railroads within said city, or works for supplying said city and its inhabitants with water, gas, electric or other artificial light, electric power, or local telegraph or telephone service; together with the land, water-rights, reservoirs, aqueducts, buildings, machinery, pipes, wires and other articles and appliances necessary or incident to such works.

SEC. 3. The council may at any time, and upon receiving a petition therefor signed by a number of voters equal to forty per cent of the votes cast at the last regular municipal election, must call a special election, at which shall be submitted to the qualified electors of Salinas City the proposition of acquiring any or all of the public utilities mentioned in this article, and in case the cost of any thereof is too large to be paid out of the ordinary annual income and revenue of said city, the incurring of a bonded indebtedness to pay such cost. Such special elections shall be conducted as herein provided and all bonded indebtedness shall be incurred and paid in the manner provided by the general laws of the state in force at the time.

SEC. 4. Whenever Salinas City shall acquire any public utility, the council shall, by ordinance, provide for the maintenance, preservation, management, operation and use thereof and for that purpose may create such offices, boards and commissions, in addi-

tion to those provided for in this charter, as it may deem necessary, provide for their election or appointment, prescribe their powers and duties and fix their compensation.

SEC. 5. Until Salinas City shall acquire, own and control works for supplying itself and its inhabitants with artificial light, the council shall, annually, in the month of February of each year, fix the rates that shall be charged and collected by every person, company, association or corporation furnishing artificial light to said city or its inhabitants for such artificial light so furnished and the ordinance fixing such rates shall take effect on the first day of July after its passage and shall remain in effect for one year thereafter. The rates fixed shall be equal and uniform and there shall be no discriminations made between persons, or between persons and corporations or as to such light furnished for domestic or municipal purposes. The council shall by ordinance provide for obtaining reports and statements from persons, companies, associations and corporations furnishing artificial light to said city or its inhabitants as to the cost and value of the property used in such business, their gross receipts and necessary expenses and such other information as it may require to enable it to fix such rates. Any person, company, association or corporation charging or attempting to collect rates in excess of those fixed by the council for artificial light furnished to the city or any inhabitant thereof shall forfeit to Salinas City a penalty of not less than one hundred nor more than one thousand dollars for each such illegal charge or attempt to collect an illegal rate to be recovered by suit in any court of competent jurisdiction.

ARTICLE XIV.

PARKS.

SECTION 1. The several tracts or parcels of land belonging to Salinas City, known as Central Park and Sherwood Park, and such other tracts of land in said city as may hereafter be acquired, dedicated or set apart for park purposes shall be managed and controlled by a board of five commissioners which shall be termed the Board of Park Commissioners.

SEC. 2. The mayor and city engineer shall be ex-official members of said board and the three remaining commissioners shall be appointed by the mayor and their appointments confirmed by the council. The mayor first elected under the provisions of this charter shall, within one month after taking his office, appoint such commissioners, who shall so classify themselves, by lot, that one shall hold office for one year, one for two years and one for three years. Thereafter one commissioner shall be appointed in the month of July of each year to hold office for a term of three years and until his successor is appointed and qualified. All commissioners must be at least twenty-five years of age and residents of Salinas City at the time of their appointment.

SEC. 3. The board shall elect a president and secretary who shall hold office during its pleasure. It shall hold regular meetings once in each month, at such time and place as it may determine; and special meetings may be called by its president or two members of the board at any time. Its meetings shall be public; three members shall constitute a quorum for the transaction of business; it may adopt rules for its proceedings and shall cause a record of such proceedings to be kept by its secretary under its directions.

SEC. 4. Said board of park commissioners shall have full power and authority to manage, control and govern the parks of Salinas City and provide for the maintenance and improvement thereof. It shall cause to be prepared and adopted general plans for the permanent improvement of such parks; cause them to be properly laid out in accordance with such plans; planted with suitable trees, shrubs, flowers, grass, etc., and the same to be cared for, cultivated and preserved. It may accept suitable articles donated for the use or adornment of such parks and cause such articles to be placed therein. It shall employ and discharge all persons employed in or about the city's parks, prescribe their powers and duties and fix their salary or compensation. It shall supervise and control the expenditure of all money in the park fund of the city treasury. It may adopt and enforce such rules and regulations as it may deem proper to regulate and govern the use of the grounds under its supervision and control and for the protection of the property thereon and shall cause the same to be posted on such grounds. And said board shall exercise such other powers and perform such other duties as may be necessary to carry into effect the purposes of this article and to maintain, beautify and improve the city's public parks.

SEC. 5. The council shall annually include in the general tax levy, a tax of not more than five cents upon each one hundred dollars in valuation of property appearing upon the assessment rolls, for the maintenance and improvement of its parks. Such tax, when collected, together with any other money given, donated, devised or bequeathed to the city for park purposes, shall constitute the park fund and shall be kept by the city treasurer separate from all other public money and shall be used and paid out only for the benefit of the city's parks. All expenditures of said fund must be authorized by the board of park commissioners and all claims payable therefrom must be approved by said board before being presented to or allowed by the council.

SEC. 6. The board of park commissioners shall annually on the first Monday in July, present to the council a full report and statement of its proceedings during the past

fiscal year, containing an itemized account of all money received and expended for park purposes, together with an estimate of the amount required to be raised by taxation for the maintenance and improvement of the city's parks during the ensuing year.

SEC. 7. The council shall, by ordinance, provide for carrying into effect the powers herein granted to the board of park commissioners and enforcing such orders, rules and regulations as it may make concerning the use of the public parks and the preservation of park property.

ARTICLE XV.

LIBRARY.

SECTION 1. The council may, at any time, provide for the establishment and maintenance of a public library in Salinas City, which shall be known as the Salinas Public Library; and subject to such rules and regulations as may be established for its government; shall be free of access to all citizens and residents of said city. Such provision must be made by ordinance, which shall also appoint the library trustees hereinafter mentioned, and the remaining sections of this article shall take effect only upon the adoption and approval of such ordinance.

The Board of Library Trustees.

SEC. 2. The management and control of the public library shall be vested in a Board of Library Trustees, consisting of three members. A library trustee must be not less than twenty-five years of age and a resident of Salinas City for at least one year immediately prior to his appointment or election. Women shall be eligible to serve on such board.

When the council passes the ordinance providing for the public library, it shall therein appoint three library trustees to serve until the next regular municipal election. At such election three trustees shall be elected by the qualified voters of said city, and they shall so classify themselves, by lot, that one shall hold office for two years, one for four years and one for six years; and thereafter at each regular election one library trustee shall be chosen to serve for a term of six years and until his successor is elected and qualified.

All vacancies in the board of library trustees shall be filled by appointment by the mayor, which appointment must be confirmed by the council, and the person so appointed shall hold office during the remainder of the unexpired term or until the next regular municipal election, when a trustee shall be chosen to serve during the remainder of the term.

SEC. 3. The board of library trustees shall organize by electing one of its own members president and appointing a secretary, who shall hold their respective offices during the pleasure of the board. It shall hold regular meetings at least once every month at such times and place as it may, by resolution, determine, and special meetings may be called at any time by the president or any two members of the board. All of its meetings shall be public and two members shall constitute a quorum for the transaction of business. Said board may adopt and enforce rules for its own proceedings; it shall cause a record of its proceedings to be kept by its secretary under its direction and upon the demand of one member, the vote on any question shall be taken by "ayes" and "noes" and entered in the journal.

SEC. 4. Subject to the provisions, limitations and restrictions in this charter contained, the board of library trustees shall have power:

1. To establish, manage and control the Salinas Public Library and all property belonging or appertaining thereto.

2. To adopt and enforce such rules and regulations for the administration, government and protection of such library and all property belonging, loaned, devised, or donated thereto, as it may deem proper.

3. To appoint, hire and discharge all librarians, janitors and other officers and employees in and about said library, and to prescribe their powers and duties and fix their compensation.

4. To purchase such real property as may be required for library purposes, erect or lease library buildings, furnish the same and provide for the heating, lighting and cleaning thereof.

5. To purchase all books, papers, publications, documents, maps and other articles of personal property for said library.

6. To exclude from the library all books, papers and publications of an indecent, immoral or offensive character.

7. To insure all property in or belonging to said library.

8. To audit and allow and cause to be paid, in whole or in part, or reject all claims payable out of the library fund, as the same are found just and lawful or otherwise.

9. To exercise and administer any trust created for the benefit of said library.

10. To perform such other acts and exercise such other powers as may be necessary to carry into effect the provisions of this article.

SEC. 5. After adopting the ordinance providing for the establishment of the library, as hereinbefore provided, the council shall annually include in the general tax levy a tax of not less than three nor more than five cents upon each one hundred dollars in valuation of property appearing upon the city assessment roll, for the support and maintenance of the Salinas Public Library.

SEC. 6. All money and revenue, derived from taxation for library purposes or contributed, donated, given, devised or bequeathed for such purpose and the income or revenue of all property or funds held in trust for the benefit of said library shall be paid into and belong to a fund, to be designated as the "Library Fund," and shall be kept by the city treasurer separate and apart from all other public moneys, and shall be used only for the establishment, enlargement, maintenance and support of the Salinas Public Library, including the purchase of the necessary property and the erection of library buildings, rent of room, salaries and other necessary expenses, and shall be paid out as herein provided.

SEC. 7. All claims payable out of the library fund shall be made out, itemized and verified in the manner prescribed by law for other claims against the city treasury, and filed with the secretary of the board of library trustees. At each regular meeting said board shall examine all such claims on file with the secretary and allow in whole or in part or reject the same as found just and legal or otherwise. The secretary shall forthwith draw and countersign a warrant for all allowed claims in favor of the claimant against the library fund, which warrant shall be signed by the president of the board and delivered to the person entitled thereto.

SEC. 8. The library trustees shall, on the first Monday in July of each year make a report to the council of the condition of the public library during the past fiscal year; containing a full statement of all money and property received, whence derived and how used and expended; the number of books, journals and other publications on hand; the number added by purchase, gift or otherwise during the year; the number lost, destroyed or disposed of, and such other statistics concerning said library as may be of general interest. Such report shall be in writing and duly verified by the oath of the president and secretary of the board. The board shall accompany said report with a careful estimate of the amount of public funds and money to be raised by taxation for the support of the public library during the ensuing fiscal year.

SEC. 9. The council shall pass proper ordinances for the protection of the public library and property belonging thereto, and imposing penalties upon persons injuring the same or unlawfully obtaining or detaining books or other property from such library.

ARTICLE XVI.

MISCELLANEOUS.

SECTION 1. The fiscal year of Salinas City shall commence on the first day of July of each year and shall end on the last day of June of the succeeding year.

SEC. 2. The word "city" wherever it occurs in this charter means Salinas City; and every commission, commissioner, department, board or officer herein mentioned means (unless expressly otherwise stated) a commission, commissioner, department board or officer, as the case may be, of Salinas City.

SEC. 3. No councilman or other officer or employee of Salinas City shall be or become, directly or indirectly, interested in any contract to which said city or any officer thereof in his official capacity is a party; or in any work or the sale of any article, the cost or price of which is payable from the city treasury; or in the sale, purchase or lease of any real estate or other property sold or leased to or by said city; and any such contract, sale, purchase or lease in which any such officer or employee is interested, in violation of the provisions of this section, shall be void as to said city. Any officer or employee of said city violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished in the manner prescribed by law and in addition thereto shall forfeit his office or employment.

SEC. 4. All franchises and privileges heretofore granted by Salinas City which are not in actual use or enjoyment or which the grantees thereof are not in good faith exercising, are hereby declared forfeited and void.

SEC. 5. If any officer of Salinas City absents himself from said city for a period of thirty days or more without first obtaining permission of the council, his office shall be declared vacant.

SEC. 6. In all matters pertaining to municipal affairs, concerning which special provision is not made in this charter, the general laws of the state in force at the time shall apply to and govern Salinas City.

SEC. 7. All books and records of every officer and department, other than the police department, shall be open to the inspection of citizens at any time during business hours. Copies and extracts from such books and records, duly certified, shall be given by the officer having the same in custody, to any person demanding the same, upon payment or tender of the fees therefor fixed by the council.

SEC. 8. This charter, so far as it relates to the election of officers and their terms of office, shall take effect and be in force from and after the first day of March, 1903, at 12 o'clock noon, and for all other purposes said charter shall take effect and be in force from and after the first Monday in July, 1903, at 12 o'clock noon of that day.

SEC. 9. The mayor and common council of Salinas City shall provide for holding the first election of officers created by this charter and shall canvass the returns and declare the result of such election.

SEC. 10. No municipal or charter election for the election of city officers shall be held in Salinas City from and after the first day of March, 1903, until the time provided for holding the first election of officers provided for in this charter. The city officers in office on said first day of March, 1903, shall continue to hold their respective offices until the first Monday of July, 1903, when they shall surrender and cease to hold the same.

SEC. 11. All offices of Salinas heretofore existing, unless expressly continued by the provisions hereof, shall cease to exist at the time this charter takes effect and shall be supplanted by the offices hereby created. All ordinances, rules and regulations of Salinas City in force at the time this charter takes effect and not inconsistent therewith, shall continue in full force and effect until amended, repealed or annulled by proper authority. No business of, or pending before any officer or department of the city at the time the charter takes effect, shall be discontinued or abandoned by reason thereof, but the same may be carried on and completed by or before the proper officer or department herein provided for.

CERTIFICATE.

WHEREAS, Salinas City, a city containing a population of more than three thousand five hundred inhabitants, did, on the 11th day of August in the year one thousand nine hundred and two, at a special election, and under and in pursuance of the provisions of Section 8, Article XI of the Constitution of the State of California, elect the undersigned, a board of fifteen freeholders, to prepare and propose a charter for said city;

BE IT KNOWN, That we, the members of said board of freeholders, in pursuance of said provisions of the Constitution, and within a period of ninety days after such election, have prepared and do hereby propose the foregoing, signed in duplicate, as and for the charter of Salinas City.

IN WITNESS WHEREOF, We have hereunto set our hands, in duplicate, this third day of November in the year one thousand nine hundred and two.

CHAS. FRANCEE, President
F. A. ABBOTT
H. E. ABBOTT
JOHN BURGESS
J. J. BEVANS
JESSE D. CARR
D. F. DAVIES
C. F. LACEY
E. A. EATON
T. S. MABEL
J. H. MENKE
J. H. McDUGALL
JOHN PARKER
T. C. REAVIS
C. SIEGHOLD

Attest:

JOHN J. WYATT, Secretary.

STATE OF CALIFORNIA }
COUNTY OF MONTEREY, SALINAS CITY } ss.

I, John J. Kelly, City Clerk of Salinas City, do hereby certify that the foregoing is a full, true and correct copy of the proposed charter of Salinas City, prepared and proposed by a duly qualified board of freeholders, duly elected on the eleventh day of August in the year one thousand nine hundred two; that a copy of said charter was duly filed with the mayor of Salinas City on the third day of November in the year one thousand nine hundred two, said copy having been duly signed by all of the members of said board; that another copy, signed by all of the members of said board, was, on the ninth day of November in said year one thousand nine hundred two, duly filed with the recorder of the county of Monterey; that thereafter said proposed charter was duly published in a daily newspaper of general circulation in said Salinas City for at least twenty days, and the first publication thereof was made within twenty days after the completion of said charter; that within not less than thirty days after such publication, said charter was submitted to the qualified voters of said city at a special election called therefor, said election being held on Monday, the twelfth day of January in the year one thousand nine hundred three, and at such election a majority of such qualified voters voting thereat duly ratified the same; and I further certify that at all of the times herein mentioned said Salinas City contained a population of more than three thousand five hundred and less than ten thousand inhabitants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Salinas this twenty-first day of January, in the year one thousand nine hundred three.

JOHN J. KELLY
City Clerk of Salinas City.

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring (a majority of the members elected to each house voting for and concurring herein), That said charter of Salinas City, as presented to, and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of said Salinas City.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 10 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Curtin, Devlin, Emmons, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—31.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

Senate Bill No. 215—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901.

On motion of Senator Tyrrell of San Francisco, was referred to Committee on Labor and Capital, to retain its place on file.

At eleven o'clock and twenty minutes A. M., Hon. Thomas Flint Jr., President pro tem. of the Senate, in the chair.

Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

On motion of Senator Ralston, was re-referred to Committee on Labor and Capital, to be considered by committee on Thursday evening.

Senate Bill No. 343—An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court.

Read third time.

Senator Savage moved to refer to Senator Selvage as a special committee of one, to amend as follows:

By striking out of section one, line two, the words "and re-enacted." Also: Amend the title by striking out the words "and re-enact" immediately after the word "amend."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 343, with instructions to amend, respectfully reports the same back, amended as per instructions.

SELVAGE, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 34—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 34 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Sanford, Savage, Selvage, Smith, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—30.

NOES—Senator Rowell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 170—An Act to prevent the selling, giving, or delivering intoxicated liquors to minor children, and to prevent minor children visiting saloons or public houses for the purpose of gambling, playing cards, billiards, pool, or any game of chance.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 170 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Rowell, Savage, Selvage, Shortridge, Smith, Ward, and Williams—29.

NOES—Senator Wolfe—1.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Shortridge gave notice that he would on the next legislative day move a reconsideration of the vote whereby Senate Bill No. 170 was this day passed.

Senate Bill No. 250—An Act to amend Section 1366 of the Political Code, relating to primary elections.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 250 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Greenwell, Hahn, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Sanford, Savage, Selvage, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 59—An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 59 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 79—An Act to establish police courts in cities of the second class, to fix their jurisdiction, provide for officers of said courts, and fix the compensation of the officers thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 79 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 143—An Act regulating the hours of service on regular duty by members of the police department of cities of the first class, cities and counties, cities of the first and one half class, and cities of the second class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 143 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Emmons, Flint, French, Greenwell, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Savage, Selvage, Shortridge, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 137—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 137 passed by the following vote:

AYES—Senators Bunkers, Byrnes, Coggins, Devlin, Diggs, Emmons, French, Greenwell, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Pendleton, Plunkett, Sanford, Selvage, Shortridge, Smith, Tyrrell of Nevada, Welch, Williams, and Wolfe—23.

NOES—Senators Bauer, Belshaw, Caldwell, Corlett, Curtin, Flint, Hahn, Lardner, Ralston, Rowell, Savage, Ward, and Woodward—13.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 220—An Act to amend the municipal corporation bill entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," and approved March 13, 1883, so as to change the time of beginning the assessment in cities of the sixth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 220 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—33.

NOES—None.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Curtin gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 220 was this day passed.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Committee Substitute for Senate Bills Nos. 261, 307, and 317—An Act to amend and re-enact Sections 1912, 1913, 1915, 1918, 1928, 1970, 1973, 1974, 2009, 2022, 2031, 2076, 2082, 2094,

and to repeal Sections 2003 as amended April 1, 1897, and 2003 duplicate as amended March 11, 1897, 2004, 2006, 2040, 2050, and 2099 of the Political Code, relating to the State militia and to conform the State militia to the provisions of an Act of Congress approved January 21, 1903, entitled "An Act to promote the efficiency of the militia and for other purposes."

HUBBELL, Chairman.

Committee Substitute for Senate Bills Nos. 261, 307, and 317 ordered on file.

ON FINANCE—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 483—An Act to appropriate the sum of \$1,200 to pay for repairs to Capitol building and furniture, to be used during remainder of the fifty-fourth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DEVLIN, Chairman.

Assembly Bill No. 483 ordered on special file of Assembly bills.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. Thomas Flint Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—30.

Quorum present.

SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 58—An Act to validate the organization and incorporation of municipal corporations of the sixth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 58 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 168—An Act to amend Section 3492 of the Political Code of the State of California, relating to the organization of reclamation districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 168 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Diggs, Flint, French, Greenwell, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston,

Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—28.

NOES—Senator Byrnes—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 109—An Act to amend Section 5 of an Act entitled "An Act to provide for the proper sanitary condition of factories and workshops, and the preservation of the health of the employes," approved February 6, 1889.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 109 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 1—Relative to the construction of restraining dams and diverting canals on the Bear and American rivers.

During the reading of the joint resolution, the following amendment was offered:

By Senator Belshaw:

SENATE AMENDMENT.

Amend by striking out the words "by clay, mud or other material," in line twenty-three, page two.

Amendment adopted.

By Senator Ralston:

Amend by striking out the word "instruct" in line two, and inserting in lieu thereof the word "request."

Amendment adopted.

Assembly Joint Resolution No. 1 ordered to print.

Assembly Bill No. 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

During second reading of bill, the following amendments were submitted by the committee:

SENATE COMMITTEE AMENDMENT No. 1.

Amend by striking out the word "and" in line three, section one, first page, printed bill, and inserting in lieu thereof the following: "or."

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 2.

Amend by striking out the words "or of any thereof, or on any business or businesses connected therewith," in lines four and five, section one, first page, printed bill.

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 3.

Amend by striking out the words "on any or all of said businesses," in lines five and six, section one, first page, printed bill.

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 4.

Amend by striking out the words "singly or in the aggregate," in line seven, section one, first page, printed bill, and inserting in lieu thereof the following: "on the business of raising, herding or pasturing sheep."

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 5.

Amend by striking out all of section two, first page, printed bill.

Amendment adopted.

SENATE COMMITTEE AMENDMENT No. 6.

Amend by striking out the figure "3" in last line, first page, printed bill, and inserting in lieu thereof the following: "2."

Amendment adopted.

The following amendment was offered:

By Senator Tyrrell of Nevada:

After the last word in section one, add the following: "*provided*, the provisions of this Act shall not apply to any license tax the validity of which is involved in any suit now pending, or to any such license tax due when this Act takes effect."

Amendment adopted.

Bill read second time, ordered to print and third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on Friday, February 6, 1903, Senator Oneal moved that the vote whereby Senate Bill No. 290—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—32.

NOES—None.

Senate Bill No. 290 ordered on file for passage.

SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 8—An Act to add a new section to the Political Code of the State of California, to be known as Section Number 3611, relating to the general revenue of the State and to property exempt from taxation.

Bill read second time, and ordered to third reading.

Assembly Bill No. 99—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

During second reading of bill, the following amendment was offered by Senator Selvage:

Amend section one, page two, line twenty-two, by striking out the words "County of Humboldt;" and inserting in lieu thereof the words "Second Assembly District."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Selvage, Tyrrell of San Francisco, and Lardner.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Bunkers, Byrnes, Coggins, Corlett, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Muentner, Oneal, Plunkett, Ralston, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—27.

NOES—Senators Bauer, Belshaw, Caldwell, Nelson, Savage, Shortridge, and Smith—7.

Also:

Amend by adding a new paragraph, line one hundred and four, as follows: "The Third Assembly District shall constitute Agricultural District Number Forty-seven."

The question being on the adoption of the amendment.

The ayes and noes were demanded by Senators Selvage, Tyrrell of San Francisco, and Devlin.

The roll was called, and amendment adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Devlin, Diggs, Emmons, French, Greenwell, Hahn, Hubbell, Luchsinger, Muentner, Oneal, Rowell, Sanford, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—25.

NOES—Senators Belshaw, Flint, Nelson, and Savage—4.

By Senator Hubbell:

Amend by striking out the word "counties," in line sixty-five, and inserting in lieu thereof the word "county."

Amendment adopted.

Also:

Amend by striking out of line sixty-five the words "and Riverside."

Amendment adopted.

Also:

Amend by inserting after District Number Forty-seven the following: "The County of Riverside shall constitute Agricultural District Number Forty-eight."

Amendment adopted.

By Senator Rowell:

Insert after provision for Agricultural District Number Forty-eight the words: "The County of Madera shall constitute Agricultural District Number Forty-nine."

Amendment adopted.

Also:

On page three, section one, line fifty-one, strike out the word "counties" and insert the word "county." Also, in same line, strike out the words "and Madera."

Amendment adopted.

Bill read second time, ordered to print and third reading.

WITHDRAWAL OF BILL.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 197—An Act to amend Section 595 of the Civil Code of the State of California, relating to the amount of real estate that may be held or owned by any corporation having the care, custody, con-

trol, and maintenance of orphans or half-orphans—and substitute on file therefor Senate Bill No. 196—An Act to amend Section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent.

Senate Bill No. 197 withdrawn and ordered stricken from the file.

On motion of Senator Curtin, the proposed committee substitute for Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employes who shall violate or attempt or threaten to violate the provisions of this Act—was ordered printed.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

By Senator Savage: Senate Bill No. 549—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Sanford: Senate Bill No. 550—An Act to amend Section 202 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 23, 1901.

Bill read first time, and referred to Committee on County Government.

By Senator Lardner: Senate Bill No. 551—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class.

Bill read first time, and referred to Committee on County Government.

By Senator Knowland: Senate Bill No. 552—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

Bill read first time, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 236—An Act making an appropriation for postage, expressage, telegraphing, and

contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DEVLIN, Chairman.

Assembly Bill No. 236 ordered on file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 239—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

WOODWARD, Chairman.

Senate Bill No. 239 ordered on file.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 1—Relative to the gain or loss of residence of voters—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WARD, Chairman.

Senate Constitutional Amendment No. 1 ordered on file.

WITHDRAWAL OF BILL.

Senator Hubbell asked for and was granted unanimous consent to withdraw Senate Bill No. 182—An Act to amend Sections 90, 91, and 92 of the Civil Code of the State of California, relating to the dissolution of marriage and providing for the granting of divorces, and Section 281 of the Penal Code of the State of California, relating to bigamy—and substitute on file therefor Senate Bill No. 239—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads.

Senate Bill No. 182 withdrawn and ordered stricken from the file.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

SENATE CHAMBER, SACRAMENTO, February 5, 1903.

MR. PRESIDENT: Your special committee, to whom was referred the matter of the contested election case of J. A. Hubbard vs. Clifford Coggins, for the seat in the Senate from the Second Senatorial District of the State of California, beg leave to report as follows:

Said committee have had the bills of the contestant and contestee under consideration, and we respectfully recommend that the following expenses be allowed:

To the Contestee.

Messrs. Reid, Dozier & Carr, attorneys' fees	\$250 00
Clifford Coggins, expenses	250 00

To the Contestant.

Elwood Bruner, attorney's fees	\$75 00
Shanahan, Braynard & Estep, attorneys' fees	175 00
J. A. Hubbard, expenses	250 00
George J. Cleary, stenographer and transcribing notes	21 00
W. M. Cutter, stenographer and transcribing notes	12 00
W. C. Ralston, telegrams	2 25

And your committee respectfully recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of the following-named persons for the amounts set opposite their names, the

same to be paid out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same, viz:

Reid, Dozier, & Cair	\$250 00
Clifford Coggins	250 00
Elwood Bruner	75 00
Shanahan, Braynard & Estep	175 00
J. A. Hubbard	250 00
George J. Cleary	21 00
W. M. Cutter	12 00
W. C. Ralston	2 25

RALSTON, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchinger, Oneal, Plunkett, Rowe, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—30.

NOES—Senator Nelson—1.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Sanford, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 7—Relative to employment of Joint Legislative Clerk.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Concurrent Resolution No. 7 referred to Committee on Contingent Expenses and Mileage.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 30—An Act to amend Section 1132 of the Political Code of the State of California, relating to the place for holding an election.

Assembly Bill No. 536—An Act to amend and re-enact Section 1265 of the Political Code, relating to election ballots, their custody after election, and their final destruction.

Assembly Bill No. 169—An Act to amend Sections 3456 and 3459 of the Political Code of this State, relating to the appointment of commissioners of assessment in reclamation districts.

Assembly Bill No. 44—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Senate Bill No. 30 ordered to enrollment.

Assembly Bill No. 536 read first time, and referred to Committee on Elections.

Assembly Bill No. 169 read first time, and ordered on file without reference to committee.

Assembly Bill No. 44 read first time, and referred to Committee on Municipal Corporations.

At three o'clock and fifteen minutes P. M., Hon. F. W. Leavitt, Senator from the Sixteenth Senatorial District, in the chair.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 269—An Act regulating the furnishing of light or power to incorporated cities, manner for payment for the same, and penalty for violation of the provisions of said Act.

On motion of Senator Lardner, bill referred to Committee on Corporations.

Assembly Bill No. 272—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to sewers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 272 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Ralston, Rowell, Sanford, Savage, Williams, Wolfe, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 355—An Act providing for the relief of J. H. Sawtell, directing the Board of Trustees of the City of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of \$1,130 and interest thereon, and to audit the demand therefor; and directing the President of the said Board of Trustees of said city to issue his warrant for said sum of money, and the City Clerk of said city to countersign said warrant; and the Treasurer of said city to pay said warrant.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 355 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—30.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 239—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 21—An Act creating a fund for the benefit and support of high schools and providing for its distribution.

At four o'clock P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senator Sanford moved to refer to Senator Caldwell, as a special committee of one, to amend as follows:

Amend section five, line eight, by inserting after the word "provided" and before the word "the" the following: "one third of the annual amount be shall apportion among such school pro rata upon the basis of the number of teachers employed."

Also: Amend section five, line eight, by striking out the words "two thirds" and inserting the following: "one third."

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 21 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Wolfe, and Woodward—33.
NOES—Senator Caldwell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF SELECT JOINT COMMITTEE.

The following report and resolutions of select joint committee of Senate and Assembly was received:

SACRAMENTO, CALIFORNIA, February 9, 1903.

To the Senate of the State of California:

Your select Joint Committee appointed to draft resolutions of respect to the memory of former member Hon. F. C. Franck, respectfully report as follows, and move the adoption of its report:

WHEREAS, The Honorable Frederick C. Franck, a member of the Assembly during the nineteenth and twentieth sessions, and a member of the Senate during the thirty-first and thirty-second sessions of the Legislature of the State of California, recently died; and

WHEREAS, The whole people of this State have benefited from the wisdom displayed as a State officer by the late Hon. F. C. Franck, who was well known within and beyond the borders of his home county—Santa Clara—both as a financier of marked ability and a citizen whose every thought was for the upbuilding of California and the advancement of her people; therefore, as a mark of respect to his high character, scrupulous integrity and conspicuous ability, and the distinguished services he has rendered the people of this State, be it

Resolved, That each house this day record in its respective Journal, and such shall be the order, as having adjourned out of respect to and in recognition of the distinguished services rendered the State by the late F. C. Franck and as an evidence of their appreciation by the people.

Resolved further, That the Secretary of Senate procure and forward to the family of the deceased an engrossed copy of these resolutions.

C. M. SHORTRIDGE, Senator.

E. J. EMMONS, Senator.

ROBT. T. DEVLIN, Senator.

GEO. S. WALKER, Assemblyman.

HENRY ELLS, Assemblyman.

W. J. DOUGHERTY, Assemblyman.

Report and resolutions read and unanimously adopted by a rising vote.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Luchsinger, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 108—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 131, relating to the powers and duties of courts of the State in the appointment of probation officers, and defining the duties and powers of such officers.

Senate Bill No. 107—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 1203 and 1215 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during term of probation.

Senate Bill No. 115—An Act to provide for the compilation, printing, binding, publishing, and distribution of a legislative manual and State blue book, or roster, and repealing conflicting Acts.

Senate Bill No. 15—An Act to create and establish two new reclamation districts of this State, to be known, respectively, as Union Island Reclamation District No. 1, and Union Island Reclamation District No. 2, embracing within their respective territorial limits a portion of Union Island, in San Joaquin County, to define the boundaries of such districts, and provide for the organization and government thereof, and to dissolve all other reclamation districts in conflict therewith.

Senate Bill No. 64—An Act to amend Section 2712 of the Political Code, relating to discretionary powers of Boards of Supervisors.

Senate Bill No. 148—An Act to amend an Act approved February 28, 1887, entitled "An Act concerning the payment of the expenses and the costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act.
Also: Concurred in Senate Concurrent Resolution No. 10—Relative to charter of Salinas City.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Senate Bills Nos. 108, 107, 115, 15, 64, and 148, and Senate Concurrent Resolution No. 10, ordered to enrollment.

On motion of Senator Selvage, Senate Bill No. 480—An Act to make women eligible to educational offices, and to the positions of official reporter and registration clerk—was ordered withdrawn from Committee on Education and referred to Committee on County Government.

ADJOURNMENT.

At four o'clock and thirty-five minutes P. M., Senator Belshaw moved to adjourn.

Motion carried.

Whereupon the President pro tem. declared the Senate adjourned out of respect to and in recognition of the distinguished services rendered the State by the late F. C. Franck, and as an evidence of their appreciation by the people.

IN SENATE.

SENATE CHAMBER,

Tuesday, February 10, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 9, 1903, the further reading was dispensed with, on motion of Senator Muentner.

PETITION.

The following petition was presented by Senator Luchsinger, and ordered printed in the Journal:

A PROTEST AGAINST THE PASSAGE OF SENATE BILL NO. 354.

MILLS BUILDING, SAN FRANCISCO, February 9, 1903.

To the Honorable Senate and Assembly of the State of California:

GENTLEMEN: We respectfully represent to your honorable bodies that the effect of the enactment into law of the provisions of Senate Bill No. 354, now pending before you, or similar provisions in any other bill, would be to paralyze the manufacturing industries of California and many of the producing industries depending upon them, for the reasons below stated.

The effect of this bill, if passed, will be to require that every article manufactured in this State shall be conspicuously labeled and stamped with the name and address of the manufacturer, and in towns and cities with his street and number, and to prohibit all dealers and other persons from selling or exposing for sale any articles made in this State unless so labeled, etc., under penalty, both in the case of the manufacturer and of the dealer, of conviction and punishment for misdemeanor.

Under the proposed Act every one of the millions of cans, bottles and other containers of fruits and other products made in this State would have to be stamped as specified. Likewise the ordinary labels covering these containers as well as the boxes in which they are packed. Many parts of a battleship, of machinery, wagons, and other articles made here in part, would have to carry the prescribed name and address. The requirement would apply to every brick made in the State and to other articles of clay, and even to a spool of thread selling for one cent. The cost of compliance would in many cases be prohibitive of manufacture and in other cases burdensome and oppressive, and the value of many thousands of dollars' worth of labels already prepared for use in the ordinary course of business, and now on hand with our manufacturers, would be destroyed upon the passage of the bill.

The cause of this protest is that the provisions of this measure are utterly impracticable in character, opposed to fixed conditions of trade, and that they grossly discriminate against the manufactures of this State, and in favor of articles made elsewhere and brought into this State, because the requirements of the bill do not and can not apply to articles made outside of this State. Should this bill specifically recite that no article made elsewhere and brought into this State shall be required to be so labeled, etc., and that no person selling it shall be punished, but that all articles made in our own State shall be so labeled, and that any person making or selling anything made in this State not so labeled shall be fined and imprisoned, it would more clearly define the practical working of this measure, which seeks to brand the manufacturers of our State as criminals for doing what every manufacturer outside of the State is permitted to do and can not be prevented from doing.

The established conditions of trade imperatively require the manufacturer here and elsewhere to put up goods in many instances under the brand and label of the jobber and merchant. Refusal on the part of manufacturers of this State to comply with this demand of the jobber would inevitably send him to the manufacturers of States whose laws seek to build up their industries instead of destroy them. One third of the market of many of our manufacturers would be lost in this manner alone through this measure, and the producers of fruits, vegetables and other products, as well as the manufacturer, would be irreparably injured.

We further respectfully represent to your honorable bodies that no part of this opposition to said bill relates to the purpose of the measure to distinguish between the products of white and of Chinese labor, and that, while it is possible that the originators of this measure conceived that they were working to a laudable end, no more sweeping blow, disastrous in its effects, could be struck at our industries than this proposed law.

We therefore most emphatically protest against the passage of Senate Bill No. 354, and of any other bill containing similar provisions.

Respectfully,

MANUFACTURERS AND PRODUCERS' ASSOCIATION OF CALIFORNIA.

A. SEABORO, President.

CHARLES E. BANCROFT, Secretary.

The Manufacturers and Producers' Association of California was organized in March, 1895. It is composed of producers and manufacturers throughout the State, and its leading purpose is to encourage the manufacture and production, distribution and consumption of California products of all kinds.

[SEAL.]

RESOLUTION.

The following resolution was offered:

By Senator Bauer:

Resolved, That Senators Coggins, Corlett, Muentner, and Pendleton of the Committee on Hospitals and Asylums, and Senators Bauer, Knowland, Tyrrell of Nevada, Welch, and Nelson, be and they are hereby authorized to visit the State Hospitals at Napa and Ukiah, the Veterans' Home at Yountville, and the California Home for the Care and Training of Feeble-Minded Children at Glen Ellen, in order that the needs of these institutions may be thoroughly inquired into, and that they be allowed their actual expenses.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Curtin, Emmons, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvaige, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—29.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 387—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 219—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

Also: Senate Bill No. 386—An Act to amend Section 1791 of the Political Code of the State of California, relating to city, and city and county boards of examination.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 357—An Act to amend Section 1882 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Also: Senate Bill No. 356—An Act to amend Section 1885 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Have had the same under consideration, and respectfully report the same back, and recommend that they be withdrawn.

Also: Assembly Bill No. 24—An Act to amend Section 1885 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Also: Senate Bill No. 218—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

Also: Senate Bill No. 396—An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal Schools Trustees.

Also: Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Also: Assembly Bill No. 25—An Act to amend Section 1882 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROWELL, Chairman.

Senate Bills Nos. 387, 219, 386, 218, and 396, and Assembly Bills Nos. 24, 123, and 25, ordered on file.

WITHDRAWAL OF BILLS.

Senator Knowles asked for and was granted unanimous consent to withdraw Senate Bill No. 357—An Act to amend Section 1882 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Also: Senate Bill No. 356—An Act to amend Section 1885 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Senate Bills Nos. 357 and 356 withdrawn.

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 10, 1903.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 443—An Act to amend and re-enact Section 1142 of the Political

Code, relative to the appointment of officers of election to constitute election boards—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

Senate Bill No. 443 ordered on file.

ON COMMISSIONS, RETRENCHMENT, AND REFORM.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your Committee on Commissions, Retrenchment, and Reform, to whom was referred Senate Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological research.

Also: Senate Bill No. 209—An Act to amend an Act entitled "An Act to create a State Board of Accountancy, and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualified applicants with the designation of certified public accountant, and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, by amending section two thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

SMITH, Chairman.

Senate Bills Nos. 429 and 209 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 235—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

Also: Assembly Bill No. 484—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 82—An Act to add a new section to the Civil Code, to be known as Section 108, relating to divorces—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Senate Bill No. 145—An Act to amend an Act entitled "An Act for the incorporation of societies for the prevention of cruelty to children," approved April 3, 1876, by adding thereto a new section, to be numbered 4½, relating to arrests for violation of Acts for prevention of cruelty to children.

Also: Senate Bill No. 154—An Act to amend an Act entitled "An Act for the protection of children, and to prevent and punish wrongs to children," approved March 29, 1878, by amending Sections 1 and 3 thereof.

Also: Senate Bill No. 328—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 33—An Act to amend the Civil Code by adding two new sections thereto, to be numbered 131 and 132, to Title I of Part I, Chapter II, Article III, relating to actions for divorce—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute herewith submitted be adopted and do pass.

LUKENS, Chairman.

Senate Bills Nos. 235, 82, 145, 154, and 328, and Assembly Bills Nos. 484 and 33, ordered on file.

ON MINING.

SENATE CHAMBER, SACRAMENTO, February 10, 1903.

MR. PRESIDENT: Your Committee on Mining, to whom was referred Senate Bill No. 347—An Act to amend Section 8 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the powers of the Board of Trustees of the State Mining Bureau—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Senate Bill No. 214—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the Inspector of Mines—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

RALSTON, Chairman.

Senate Bill Nos. 347 and 214 ordered on file.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 10, 1903.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 442—An Act to declare the Alturas and Lakeview wagon road, commencing at the south line of Modoc County, California, on a spur of the Warner range of mountains, and running thence north through Likely, Alturas, Davis Creek, and Willow Ranch to the south line of the State of Oregon, a State highway, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

Also: Senate Bill No. 385—An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass, and that it be referred to Committee on Finance.

LARDNER, Chairman.

Senate Bill No. 385 referred to Committee on Finance.

WITHDRAWAL OF BILL.

Senator Coggins asked for and was granted unanimous consent to withdraw Senate Bill No. 442—An Act to declare the Alturas and Lakeview wagon road, commencing at the south line of Modoc County, California, on a spur of the Warner range of mountains, and running thence north through Likely, Alturas, Davis Creek, and Willow Ranch to the south line of the State of Oregon, a State highway, and making an appropriation therefor.

Senate Bill No. 442 withdrawn.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 405—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in municipalities and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 11, 1901.

Also: Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 625a, relating to unlawful interferences with public fire alarms.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.

Senate Bills Nos. 405 and 406 ordered on file.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: The Committee on Commerce and Navigation report on the resolution introduced by Senator Emmons as follows:

We advise that the resolution be adopted and that the Committee on Commerce and Navigation be empowered by resolution of this Senate to go to San Francisco, for the purpose of ascertaining the facts charged in the resolution, with power to send for persons and papers, and that they be empowered, generally, to send for persons and papers throughout the State, in order to report intelligently to this Senate, and we further request as a committee that Senator E. J. Emmons be added to the committee for the special purpose of this investigation.

WELCH, Chairman.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Emmons, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—28.

NOES—Senators Flint and Rowell—2.

Also:

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred the resolution of Senator Emmons, touching the charges of bribery against one of the Pilot Commissioners, beg leave to report as follows:

We recommend that your committee have leave to visit San Francisco, and there hold a session of the committee in regard to said charges.

That we have a sergeant-at-arms and a competent stenographer to attend said committee.

That we have the power to subpoena persons and things to testify before said committee.

That leave of absence be granted said committee until eleven o'clock Monday morning, said leave commencing Friday morning.

That the mover of the resolution, to wit: Senator Emmons, be added to the committee for this special investigation.

WELCH, Chairman.

The question being on the adoption of the report.

The roll was called, and the report adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Emmons, French, Knowland, Lardner, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—29.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Committee on Commissions, Retrenchment, and Reform: Senate Bill No. 553—An Act to repeal an Act entitled "An Act to create a State Board of Accountancy and prescribe its duties and powers, to provide for the examination of, and issuance of certificates to qualify applicants with the designation of certified public accountants, and provide the grade of penalty for violation of the provisions hereof," approved March 23, 1901.

Bill read first time, and ordered on file without reference to committee.

By Senator Hubbell: Senate Bill No. 554—An Act to amend Section 611 of the Political Code, relating to the business of insurance.

Bill read first time, and referred to Committee on Corporations.

By Senator Corlett: Senate Bill No. 555—An Act defining the time within which employes are entitled to payment for work, labor, or personal service rendered to employers, and relating to contracts waiving or extending such time of payment.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator French: Senate Bill No. 556—An Act to amend and re-enact Section 4161 of the Political Code, relating to the duties of County Treasurer in respect to public money in his hands.

Bill read first time, and referred to Committee on County Government.

By Senator Welch: Senate Bill No. 557—An Act to amend Section 686 of the Penal Code, relating to the rights of defendant in a criminal action.

Bill read first time, and referred to Committee on Judiciary.

By Senator Leavitt: Senate Bill No. 558—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Bill read first time, and referred to Committee on County Government.

By Senator Lardner: Senate Bill No. 559—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class.

Bill read first time, and referred to Committee on County Government.

By Committee on Judiciary: Senate Bill No. 560—An Act to amend an Act entitled "An Act to establish a Civil Code," relating to granting of divorces.

Bill read first time, and ordered on file without reference to committee.

By Committee on Commissions, Retrenchment, and Reform: Senate Bill No. 561—An Act to repeal an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901.

Bill read first time, and ordered on file without reference to committee.

By Senator Shortridge: Senate Bill No. 562—An Act to declare the Associated Press and all other associations, companies, and corporations of a similar nature, common carriers, and to provide penalties for discrimination between patrons thereof, or persons desiring to become patrons thereof.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 563—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State for the improvement and rectification of the channels of innavigable streams and water-courses, for the prevention of the overflow thereof by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 564—An Act to amend an Act entitled an Act to amend an Act entitled an Act to establish and support a Bureau of Labor Statistics, approved March 3, 1883, approved February 8, 1889.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Savage: Senate Bill No. 565—An Act to authorize the appointment of an interpreter of the Spanish language in criminal proceedings in counties and cities and counties of one hundred thousand inhabitants and over.

Bill read first time, and referred to Committee on County Government.

By Senator Sanford: Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly.

Referred to Committee on Constitutional Amendments.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

The Senate proceeded to consider the daily file.

Senate Bill No. 4—An Act providing for the submission of the proposition of the license and sale, or prohibiting of the sale, of intoxicating

liquors, to a vote of the people by municipal corporations of the fifth and sixth classes.

Read third time.

On motion of Senator Caldwell, bill was referred to Committee on Judiciary, and to retain place on file.

Senate Bill No. 369—An Act to establish a uniform system to enable towns and municipalities of certain classes or districts to form water districts.

Read third time.

Senator Belshaw moved to refer to Senator Caldwell, as a special committee of one, to amend as follows:

Amend section one by striking out all of line one after the words and figures "Section 1," and to make a capital "A" of the first letter of the word "any" in line two.

Amend section three by striking out all of line four after the word "election," and inserting in lieu thereof the following: "are in favor of public ownership of." Also, by striking out the quotation after the word "works" in line five.

Amend section four by striking out the word "against" in line two, and inserting in lieu thereof the word "for."

Amend section six by striking out of line two the following: "etc."; also, in line thirty-four, by striking out the following: "etc."

Amend section seven by striking out the period after the word "effect" in line nine, and inserting in lieu thereof the following: "provided, that the intention to pass said resolution shall be published at least two consecutive weeks in a newspaper of general circulation published in said municipality or district."

Amend section nine by inserting the word "to" before the word "furnish," in line five.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 10, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 369, with instructions to amend, respectfully reports the same back, amended as per instructions.

CALDWELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Committee Substitute for Senate Bills Nos. 261, 307, 317—An Act to amend and re-enact Sections 1912, 1913, 1915, 1918, 1928, 1970, 1973, 1974, 2009, 2022, 2031, 2076, 2082, 2094, and to repeal Sections 2003, as amended April 1, 1897, and 2003 duplicate, as amended March 11, 1897, 2004, 2006, 2040, 2050, and 2099 of the Political Code, relating to the State militia, and to conform the State militia to the provisions of an Act of Congress approved January 21, 1903, entitled "An Act to promote the efficiency of the militia and for other purposes."

Read third time.

Senator Tyrrell of Nevada moved to refer to Senator Wolfe, as a special committee of one, to amend as follows:

Insert after words "medical department," line seventeen, page two of printed bill, the following: "The minimum enlisted strength of a company of engineers shall not be less than one first sergeant, one quartermaster-sergeant, six sergeants, eight corporals, two musicians, and forty-eight privates; provided, however, that nothing in this section relating to engineer company organizations shall be in conflict with instructions which may be hereafter received from the President of the United States fixing the minimum of company organizations of the National Guard. The commissioned officers of a company of engineers shall be one captain, one first lieutenant, and one second lieutenant. The commissioned officers of an engineer company shall be appointed by the Governor upon the recommendation of the Brigadier-General, and such officers shall appear before a special examining board for the examination of engineer officers, which board must be appointed by the Commander-in-Chief; and the general conditions governing other examining boards shall govern the special board for the examination of engineer officers."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 10, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bills Nos. 261, 307, and 317, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 239—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 239 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hubbell, Lardner, Luchsinger, Lukens, Nelson, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF BILLS—TRANSPPOSITION OF BILLS ON FILE.

On motion of Senator Pendleton, Senate Bill No. 236—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued—was transposed on file for Senate Bill No. 116—An Act to amend Section 11 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the annual renewal of the card or insignia of said board.

Senate Bill No. 236—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend the printed bill by adding after the word "Washington," on line seven, the following: "*provided, however, that no patent shall be issued under the provisions of this section until notice shall have been given by the applicant by publication of notice of his intention to apply for such patent, in which notice the name of the applicant shall be given, the land shall be described according to government survey, and it shall state the date on or after which application for such patent will be made, and which notice must be published at least once a week for four successive weeks in a newspaper published in the county wherein the land is situated for which application for a patent is made.*"

Amendment adopted.

AMENDMENT No. 2.

Amend by adding after the word "general," line eleven of the printed bill, the following: "The provisions of this section shall not apply to tide lands nor lands uncovered by the recession and drainage of the waters of inland lakes subject to sale under the Act of March 24, 1893, or to applications filed prior to the passage of this Act."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 314—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employés.

Bill read second time.

Senator Ralston moved that the bill be denied engrossment and third reading.

The question being, "Shall the bill be ordered to engrossment and third reading?"

The roll was called, and the bill ordered to engrossment and third reading by the following vote:

AYES—Senators Bauer, Bunkers, Devlin, Emmons, Flint, French, Hubbell, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Sanford, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—20.

NOES—Senators Belshaw, Coggins, Corlett, Diggs, Greenwell, Knowland, Lardner, Oneal, Pendleton, Ralston, Savage, Shortridge, and Smith—13.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 10, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 14—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California, for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State forenrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States, existing on the 27th day of July, 1861, and for collecting and receiving, also, all the money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected—have had the same under consideration, and respectfully report the same back, and recommend a committee substitute therefor, and that the substitute be printed immediately.

DEVLIN, Chairman.

Senate Bill No. 14 ordered on file.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 10, 1903.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 345—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California and Oregon Railroad near the mouth of Slate Creek, in Shasta County, thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth, thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended, and that the same be referred to Committee on Finance.

LARDNER, Chairman.

Senate Bill No. 345 referred to Committee on Finance.

RESOLUTION.

The following resolution was offered:

By Senator Selvage:

Resolved, That the Code Revision file be made a special order for 8 o'clock Monday evening, February 16, 1903.

Resolution read and adopted.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 425—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

During second reading of bill, the following amendments were offered:
By Senator Knowland:

On page eleven, strike out all of sections twenty-one and twenty-two.

Amendment adopted.

Also: On page eleven, strike out the words "Section 23," and insert in lieu thereof the following: "Section 21."

Amendment adopted.

Also: On page twelve, strike out the words "Section 24," and insert in lieu thereof the following: "Section 22."

Amendment adopted.

Also: On page twelve, strike out the words "Section 25," and insert in lieu thereof the following: "Section 23."

Amendment adopted.

Also: On page thirteen, strike out the words "Section 26," and insert in lieu thereof the following: "Section 24."

Amendment adopted.

Also: On page thirteen, strike out the words "Section 27," and insert in lieu thereof the following: "Section 25."

Amendment adopted.

Also: On page fourteen, strike out the words "Section 28," and insert in lieu thereof the following: "Section 26."

Amendment adopted.

Also: On page fourteen, strike out the words "Section 29," and insert in lieu thereof the following: "Section 27."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

On motion of Senator Hahn, Assembly Joint Resolution No 7, which was on February 2, 1903, refused adoption, and the vote by which it was refused adoption having been reconsidered on February 3d, in accordance with notice given, was taken up for consideration.

Assembly Joint Resolution No. 7—Instructing our Senators in Congress to vote against the ratification of the proposed treaty with Cuba, reducing the duty upon sugar and upon other products of the State of California.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called.

Pending the announcement, Senator Wolfe moved a call of the Senate.

The question being on the motion for a call of the Senate.

The ayes and noes were demanded by Senators Wolfe, Devlin, and Belshaw.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Devlin, French, Hahn, Hubbell, Oneal, Pendleton, Ralston, Rowell, Selvage, Shortridge, Smith, Ward, Welch, Williams, and Wolfe—19.

NOES—Senators Belshaw, Corlett, Curtin, Diggs, Flint, Greenwell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Sanford, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, and Woodward—17.

Time, twelve o'clock and twenty-two minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors. The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—37.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At twelve o'clock and twenty-three minutes P. M., Senator Leavitt moved that further proceedings under call of the Senate be dispensed with.

Motion lost.

FURTHER PROCEEDINGS UNDER CALL OF SENATE DISPENSED WITH.

At twelve o'clock and thirty minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Tyrrell of Nevada.

Whereupon the President pro tem. announced that Assembly Joint Resolution No. 7 was refused adoption by the following vote:

AYES—Senators Bauer, Devlin, Hahn, Hubbell, Oneal, Pendleton, Rowell, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, and Welch—13.

NOES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Sanford, Savage, Tyrrell of San Francisco, Williams, Wolfe, and Woodward—23.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Joint Resolution No. 7 was this day refused adoption.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Curtin, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Rowell, Sanford, Savage, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—25.

Quorum present.

SPECIAL FILE OF ASSEMBLY BILLS—THIRD READING OF BILLS.

Assembly Bill No. 8—An Act to add a new section to the Political Code of the State of California, to be known as Section 3611, relating to the general revenue of the State and to property exempt from taxation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 8 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Curtin, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Rowell, Sanford, Savage, Shortridge, Smith, Ward, Welch, Williams, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 483—An Act to appropriate the sum of \$1,200 to pay for repairs to Capitol building and furniture, to be used during the remainder of the fifty-fourth fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 236—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 169—An Act to amend Sections 3456 and 3459 of the Political Code of this State, relating to the appointment of commissioners of assessment in reclamation districts.

Bill read second time, and ordered on file for third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on Monday, February 9, 1903, Senator Curtin moved that the vote whereby Senate Bill No. 220—An Act to amend the municipal corporation bill entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," and approved March 13, 1883, so as to change the time of beginning the assessment in cities of the sixth class—was passed, be now reconsidered.

The motion was duly seconded.

Senator Curtin moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 220 was refused final passage be postponed until next legislative day.

So ordered.

SECOND READING OF SENATE BILLS.

Senate Bill No. 123—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District Number 108," approved March 29, 1872.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 350—An Act to amend Section 3443 of the Political Code of the State of California, relating to the purchase of swamp and overflowed or tide lands of the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 11—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the definition of certain words.

During second reading of bill, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE BILL NO. 11.

An Act to amend Section 17 of the Code of Civil Procedure, relating to the definition of certain words.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventeen of the Code of Civil Procedure is hereby amended to read as follows:

Section 17. Words used in this code in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person; the word "county" includes "city and county"; writing includes printing and typewriting; oath includes affirmation or declaration; and every mode of oral statement, under oath or affirmation, is embraced by the term "testify," and every written one in the term "depose"; signature or subscription includes mark, when the person cannot write, his name being written near it by a person who writes his own name as a witness. The following words have in this code the signification attached to them in this section unless otherwise apparent from the context:

1. The word "property" includes both real and personal property.
2. The words "real property" are co-extensive with lands, tenements, and hereditaments.
3. The words "personal property" include money, goods, chattels, things in action, and evidences of debt.
4. The word "month" means a calendar month, unless otherwise expressed.
5. The word "will" includes codicils.
6. The word "writ" signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer, and the word "process" a writ or summons issued in the course of judicial proceedings.
7. The word "state," when applied to the different parts of the United States, includes the District of Columbia and the territories, and the words "United States" may include the district and territories.
8. The word "section," whenever hereinafter employed, refers to a section of this code, unless some other code or statute is expressly mentioned.
9. The word "affinity," when applied to the marriage relation, signifies the connection existing in consequence of marriage between each of the married persons and the blood relatives of the other.

SEC. 2. This Act shall take effect and be in force from and after its passage and approval.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 96—An Act to amend Section 1083 of an Act of the Legislature of the State of California, entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to liens of mechanics, miners, and others.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Constitutional Amendment No. 9—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 1 of Article IV, providing a system of direct legislation, in the State of California, by means of the initiative and referendum.

Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 9 refused adoption by the following vote:

AYES—Senators Bunkers, Caldwell, Curtin, French, Hubbell, Oneal, Plunkett, Savage, Tyrrell of San Francisco, Ward, Welch, and Williams—12.

NOES—Senators Bauer, Belshaw, Byrnes, Coggins, Corlett, Devlin, Diggs, Flint, Greenwell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of Nevada, and Wolfe—22.

RESOLUTION.

The following resolution was offered:

By Senator Nelson:

Resolved, That Senator Sanford be added to the committee that is to visit Napa, Glen Ellen, and Ukiah.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

The President pro tem. announced that, in compliance with the resolutions offered by Senator French, and adopted yesterday, he had appointed Senators Wolfe, Selvage, and Sanford as a committee to investigate the affairs of the State Board of Barber Examiners.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Belshaw: Senate Bill No. 566—An Act restricting the business of medical superintendents and assistant physicians of State hospitals for insane persons.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Leavitt: Senate Bill No. 567—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees or supervisors, in counties, cities, cities and counties, or towns.

Bill read first time, and referred to Committee on Printing.

By Senator Hubbell: Senate Bill No. 568—An Act to provide for the amount and the manner of payment of salaries of Justices of the Peace in counties of the tenth class, for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act, and repealing all laws in conflict therewith.

Bill read first time, and referred to Committee on County Government.

By Senator Devlin: Senate Bill No. 569—An Act adding a new section to the Code of Civil Procedure, to be known as Section 1434, relating to change of venue in cases of estates and guardianships.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 570—An Act to amend Section 890 of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to the dismissal of actions in justices' courts, and providing for a penalty when the action is willfully commenced in the wrong county, township or city.

Bill read first time, and referred to Committee on Judiciary.

By Senator Williams: Senate Bill No. 571—An Act to authorize the payment of moneys now in the hands of the Governor of the State as Commander-in-Chief of the military forces of the State, received by him from the United States for the payment of amounts due to California U. S. Volunteers of the late war with Spain, under the provisions of an Act of Congress entitled "An Act to reimburse the Governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the volunteer army

of the United States in the existing war with Spain," approved July 8, 1898, as amended by an Act of Congress approved March 3, 1899, direct to the heirs of any deceased claimants against said fund without administration.

Bill read first time, and referred to Committee on Military Affairs.

Also: Senate Bill No. 572—An Act providing for the payment to the California U. S. Volunteers of such amounts as are due them from the date of their assembling to the date of their muster into the United States service or rejection by the medical examiners, making an appropriation for that purpose, and providing for the presentation of a claim to the United States for the repayment of the amount expended under this Act, and for the disposition of any sum of money that may be received from the United States upon such claim.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Lukens: Senate Bill No. 573—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto a new section, to be designated as Section 779, relative to the election, in municipal corporations of the fifth class, of a board of fifteen freeholders, to frame a charter for the government of any such municipality.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Pendleton: Senate Bill No. 574—An Act to amend the Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901.

Bill read first time, and referred to Committee on Judiciary.

SECOND READING OF BILLS—(RESUMED).

Senate Constitutional Amendment No. 10—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XI by adding thereto a new section, to be numbered Section 20, providing a system of direct legislation by means of the initiative and referendum in counties, cities and counties, and cities.

Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 10 refused adoption by the following vote:

AYES—Senators Bunkers, Caldwell, Curtin, French, Oneal, Pendleton, Plunkett, Savage, Tyrrell of San Francisco, Ward, Welch, and Williams—12.

NOES—Senators Bauer, Belshaw, Coggins, Corlett, Devlin, Diggs, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Sanford, Selvage, Smith, and Wolfe—19.

NOTICE OF MOTION TO RECONSIDER.

Senator Hubbell gave notice that he would on next legislative day move a reconsideration of the vote whereby Senate Constitutional Amendment No. 10 was this day refused adoption.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 352—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real

property, and which said sections were added to said code by an Act approved March 23, 1901.

During the second reading of bill, the following amendment was offered by Senator Devlin:

Add to end of Section 4: "*provided*, that this Act shall not affect any action in court now pending."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 196—An Act to amend Section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting on first page, printed bill, after the title: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

ADJOURNMENT.

At four o'clock and eight minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 11, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, and Williams—27.

Quorum present.

PRAYER.

Prayer by the Rev. J. V. Stevenson, of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 10, 1903, the further reading was dispensed with, on motion of Senator Corlett.

APPROVAL OF JOURNAL.

The Journal of Friday, February 6, 1903, having been corrected, was read and approved.

LEAVE OF ABSENCE.

The members of the Committee on Constitutional Amendments were, on motion of Senator Woodward, granted leave of absence for one hour.

PETITIONS.

The following petitions were presented by Senator French, and ordered printed in the Journal:

SAN FRANCISCO, CALIFORNIA, February 9, 1903.

To the Honorable President of the Senate, Sacramento, California:

We, the National Association of Stationary Engineers, No. 1 and No. 3, handling eighty per cent of the steam power in the City and County of San Francisco, hereby request that Substitute for Senate Bill No. 62 be passed by your honorable body; said bill being approved by all of the members of said associations: W. T. Bonney, president No. 1; J. M. Wilsen, secretary No. 1; E. M. Pomroy, treasurer No. 1; T. P. Jarvis, president No. 3; Chas. Dick, secretary No. 3; H. W. Kirman, treasurer No. 3.

Also by National Association of Stationary Engineers No. 4, of San Diego, California, C. W. Wiggins, secretary; National Association of Stationary Engineers No. 5, of Santa Barbara, California, Chas. Sproat, secretary; National Association of Stationary Engineers No. 6, of San José, California, W. E. Jackson, secretary; National Association of Stationary Engineers No. 7, of Fresno, California, A. G. Rose, secretary.

This is the oldest organization of stationary engineers in the United States.

Also from International Unions of Steam Engineers: Local Union No. 64, San Francisco, California, Irving P. Henning, secretary; Local Union No. 171, S. W. Kitching, president, Herbert Hunn, secretary; Local Union No. 67, Oakland, California, S. H. Gibbs, secretary.

Senator French has also a roll of 2,400 names of business men and engineers from throughout the State of California, petitioning your honorable body to pass a bill to license stationary steam engineers for the better protection of life and property in the State of California.

LOUIS H. HONIGBAUM,
Vice-President San Francisco, No. 1, National
Association Stationary Engineers.

SAN FRANCISCO, CALIFORNIA, January 24, 1903.

We, the officers and members of the organization known as the San Francisco No. 1, National Association of Stationary Engineers, and California No. 3, National Association of Stationary Engineers, representing eighty per cent of power in the City of San Francisco, of the City and County of San Francisco, State of California, do hereby in special joint meeting held this 24th day of January, 1903, unanimously indorse Senate Bill No. 62 for the licensing of stationary engineers in the State of California now pending before the Legislature of the State of California, and also the efforts put forth by our representative, Mr. Honigbaum, in connection therewith, and do hereby cause the seals of the said Association to be affixed hereto in full recognition of the above indorsement, and do most earnestly recommend its enactment.

W. T. Bonney, president No. 1; J. M. Wilsen, secretary No. 1; E. M. Pomroy, treasurer No. 1; T. P. Jarvis, president No. 3; Chas. Dick, secretary No. 3; H. W. Kirman, treasurer No. 3.

[SEAL.]

SAN DIEGO, CAL., October 27, 1902.

MR. L. H. HONIGBAUM, San Francisco, Cal.:

DEAR SIR AND BRO.: I have been a long time answering your letter in regard to forming an Engineers' Club in San Diego, but I have not been able to bring it before the association until to-night. About all the engineers in this vicinity are members of the N. A. S. E., and I was instructed to ask you to send your petition to me and we will get signatures to it just as well without forming a club. We are all anxious to have a license law passed, and believe that this is a good time to work for it.

Yours fraternally,

[SEAL.]

C. W. WIGGINS, Corresponding Secretary.

SANTA BARBARA, CAL., December 14, 1902.

L. H. HONIGBAUM, San Francisco, California:

DEAR SIR AND BRO.: We received the petition blanks and are filling them as fast as possible. You may depend on No. 5 for support and aid in trying to acquire a State license law.

Will forward the blanks in a few days.

Yours truly and fraternally,

CHAS. SPROAT, Secretary No. 5.

SAN JOSÉ, CALIFORNIA, October 16, 1902.

MR. L. H. HONIGBAUM, *San Francisco, California*:

DEAR SIR AND BRO.: Your letter of the 8th in regard to a State license law was duly received. I brought the matter before No. 6 at our last meeting, and the boys are heartily in favor of the proposition and will be glad to assist in any way that we can. Please send us the necessary literature which you mentioned, and we will get to work immediately.

Yours truly,

W. E. JACKSON.

FRESNO CITY, October 17, 1902.

L. H. HONIGBAUM, *San Francisco, California*:

DEAR SIR AND BRO.: I received yours of the 9th inst. and read before the association to the brothers and was instructed to ask you to send the balance of information as per your letter. The boys were all favorably inclined and will try and do something at our earliest possible convenience. We will try and have as large an attendance as we can so that all will understand the proposition, as we are all cranks on State license and boiler inspection.

Hoping to hear from you soon,

I am fraternally yours,

A. G. ROSE, Secretary.

SAN FRANCISCO, CALIFORNIA, January 17, 1903.

To whom it may concern:

This is to certify that at a special meeting held this day, as specified in notices duly given members to attend said special meeting, upon a motion made by Bro. J. H. Ault, and seconded by Bro. L. H. Honigbaum, that we indorse the State license bill for licensing steam engineers, as read by Secretary Irving P. Henning, furnished by said Honigbaum. It was voted unanimously, apparently, that we indorse the same. Bro. A. H. Ewell gave notice of reconsideration at the next meeting.

[SEAL.]

IRVING P. HENNING, Recording Secretary.

SAN FRANCISCO, January 24, 1903.

To the Hon. FRANK FRENCH, Senator, Sacramento, Cal.:

The International Union of Steam Engineers' Local No. 171, in meeting assembled January 24, 1903, unanimously indorsed the license law presented to you by Mr. L. H. Honigbaum, and beg of you to exert every effort for its passage.

Yours very truly,

J. W. KITCHING, President.
HERBERT HUNN, Secretary.

OAKLAND, CALIFORNIA, February 2, 1903.

To the Hon. J. W. MOTT, Sacramento, California:

DEAR SIR: Following are the resolutions adopted by this Local at its regular meeting on above date:

WHEREAS, Local Union No. 67 of the International Union of Steam Engineers indorsed Assembly Bill No. 190 at a previous meeting, and ordered a copy sent to each of our representatives, and one to the Law and Legislative Committee of the State Federation of Labor; and

WHEREAS, Said Assembly bill has been amended, and introduced in the Senate as Senate Bill No. 62; and

WHEREAS, We accept the amendment, as we believe it will better serve our interests; therefore be it,

Resolved, That Local No. 67 of the International Union of Steam Engineers indorse Senate Bill No. 62, and urge our representatives to use every effort to secure its early passage; and be it further

Resolved, That a copy of these resolutions be spread upon the minutes, one copy sent to each of the representatives of Alameda County, one to Senator French of San Francisco, and one to the Assembly Committee on Capital and Labor.

J. H. STEWART.
H. M. COLE.
N. G. LINDGREN.

Very truly yours,

S. H. GIBBS, Secretary.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School.

Assembly Bill No. 499—An Act to amend Section 1359 of the Political Code of the State of California, relating to primary elections.

Assembly Bill No. 170—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

Senate Bill No. 150—An Act to amend Sections 628, 629, 632, 635, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act.

Senate Bill No. 105—An Act to appropriate the sum of \$1,416.50 for the purchase of ballot paper for the Secretary of State's office, to be used during the remainder of the fifty-fourth fiscal year.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Assembly Bill No. 179 read first time, and referred to Committee on Finance.

Assembly Bill No. 499 read first time, and referred to Committee on Elections.

Assembly Bill No. 170 read first time, and ordered on file without reference to committee.

Senate Bills Nos. 105 and 150 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 11, 1903.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 536—An Act to amend and re-enact Section 1265 of the Political Code, relating to election ballots, their custody after election and their final destruction—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BELSHAW, Chairman.

CONSIDERATION OF ASSEMBLY BILL—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to take up Assembly Bill No. 536 for immediate consideration.

Assembly Bill No. 536—An Act to amend and re-enact Section 1265 of the Political Code, relating to election ballots, their custody after election and their final destruction.

During second reading of bill, the following amendment was submitted by the committee:

Amend section twelve hundred and sixty-five by inserting the following words after the word "notified," line thirty-one, page two of the printed bill: "by the contestant."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

REPORTS OF STANDING COMMITTEES—(RESUMED).

SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, February 10, 1903.

MR. PRESIDENT: Your Committee of San Francisco Delegation, to whom was referred Senate Bill No. 9—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOLFE, Chairman.

Senate Bill No. 9 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 10, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 66—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices'

courts and justices of the peace—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 391—An Act to add a new section to the Political Code, to be numbered 1003a, relating to vacancies in office.

Also: Senate Bill No. 513—An Act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.

Also: Assembly Bill No. 157—An Act to amend Section 1758 of the Code of Civil Procedure of the State of California, relating to testamentary guardians.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 259—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor.

Also: Senate Bill No. 512—An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the settlement of estates of deceased persons, allowance of necessary expenses in the settlement of the estate, including premiums paid for official bonds.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 372—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution—have had the same under consideration, and respectfully report the same back, and recommend that committee substitute, herewith submitted, be adopted and do pass.

LUKENS, Chairman.

Senate Bills Nos. 66, 391, 513, 259, 512, and Assembly Bill No. 157, ordered on file.

CONSIDERATION OF SENATE BILL—(OUT OF ORDER).

Senator Knowland asked for and was granted unanimous consent to take up Senate Bill No. 372 for immediate consideration.

Senate Bill No. 372—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

During second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 372.

An Act to amend section six hundred and ninety of the Code of Civil Procedure, relating to property exempt from execution.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six hundred and ninety of the Code of Civil Procedure is hereby amended so as to read as follows:

690. The following property is exempt from execution, except as herein otherwise specially provided:

1. Chairs, tables, desks, and books, to the value of two hundred dollars, belonging to the judgment debtor.

2. Necessary household, table and kitchen furniture belonging to the judgment debtor, including one sewing-machine, stove, stove-pipes, and furniture, wearing apparel, beds, bedding, and bedsteads, hanging pictures, oil paintings and drawings drawn or painted by any member of the family, and family portraits and their necessary frames, provisions and fuel actually provided for individual or family use, sufficient for three months, and three cows and their sucking calves, four hogs with their sucking pigs, and food for such cows and hogs for one month; also, one piano, one shotgun, and one rifle.

3. The farming utensils or implements of husbandry of the judgment debtor, not exceeding in value the sum of one thousand dollars; also, two oxen, or two horses, or two mules, and their harness; one cart or buggy and two wagons, and food for such oxen, horses or mules, for one month; also, all seed, grain, or vegetables, actually provided, reserved, or on hand for the purpose of planting or sowing at any time within the ensuing six months, not exceeding in value the sum of two hundred dollars; and seventy-five beehives, one horse and vehicle belonging to any person who is maimed or crippled, and the same is necessary in his business.

4. The tools or implements of a mechanic or artisan necessary to carry on his trade; the notarial seal, records, and office furniture of a notary public; the instruments and chest of a surgeon, physician, surveyor, or dentist, necessary to the exercise of his profession, with his professional libraries and necessary office furniture; the professional libraries of attorneys, judges, ministers of the gospel, editors, school teachers, and music teachers, and their necessary office furniture, including one safe and one typewriter; also, the musical instruments of music teachers actually used by them in giving instructions, and all the indexes, abstracts, books, papers, maps, and office furniture of a

searcher of records necessary to be used in his profession; also, the typewriters, or other mechanical contrivances employed for writing in type, actually used by the owner thereof for making his living; also, one bicycle, when the same is used by its owner for the purpose of carrying on his regular business, or when the same is used for the purpose of transporting the owner to and from his place of business.

5. The cabin or dwelling of a miner, not exceeding in value the sum of five hundred dollars; also, his sluices, pipes, hose, windlass, derrick, cars, pumps, tools, implements and appliances necessary for carrying on any mining operations, not exceeding in value the aggregate sum of five hundred dollars; and two horses, mules or oxen, with their harness and food for such horses, mules, or oxen for one month, when necessary to be used in any whim, windlass, derrick, car, pump, or hoisting gear, and also his mining claim, actually worked by him, not exceeding in value the sum of one thousand dollars.

6. Two horses, two oxen, or two mules, and their harness, and one cart or wagon, one dray or truck, one coupé, one hack or carriage, for one or two horses, by the use of which a cartman, drayman, truckman, huckster, peddler, hackman, teamster or other laborer habitually earns his living, and one horse, with vehicle and harness or other equipments, used by a physician, surgeon, constable, or minister of the gospel, in the legitimate practice of his profession or business, with food for such oxen, horses, or mules for one month.

7. One fishing boat and net, not exceeding the total value of five hundred dollars, the property of any fisherman, by the lawful use of which he earns his livelihood.

8. Poultry, not exceeding in value seventy-five dollars.

9. The wages and earnings of all seamen, fishermen and sealers, not exceeding three hundred dollars, regardless of where or when earned, and in addition to all other exemptions otherwise provided by any law.

10. The earnings of the judgment debtor for his personal services rendered at any time within thirty days next preceding the levy of execution or attachment, when it appears, by the debtor's affidavit, or otherwise, that such earnings are necessary for the use of his family, residing in this State, supported in whole or in part by his labor; but where debts are incurred by any such person, or his wife or family, for the common necessities of life, or have been incurred at a time when the debtor had no family residing in this State, supported in whole or in part by his labor, the one half of such earnings above mentioned is nevertheless subject to execution, garnishment, or attachment to satisfy debts so incurred.

11. The shares held by a member of a homestead association duly incorporated, not exceeding in value one thousand dollars, if the person holding the shares is not the owner of a homestead under the laws of this State.

12. All the nautical instruments and wearing apparel of any master, officer, seaman of any steamer or other vessel.

13. All fire engines, hooks and ladders, with the carts, trucks, and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under any laws of this State.

14. All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

15. All court-houses, jails, public offices, and buildings, lots, grounds, and personal property, the fixtures, furniture, books, papers, and appurtenances belonging and pertaining to the jail and public offices belonging to any county of this State, and all cemeteries, public squares, parks, and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by such town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State.

16. All material not exceeding one thousand dollars in value purchased in good faith for use in the construction, alteration or repair of any building, mining claim, or other improvement, as long as in good faith the same is about to be applied to the construction, alteration, or repair of such building, mining claim, or other improvement.

17. All machinery, tools, and implements necessary in and for boring, sinking, putting down and constructing surface or artesian wells; also, the engines necessary for operating such machinery, implements, tools, etc.; also, all trucks necessary for the transportation of such machinery, tools, implements, engines, etc.; *provided*, that the value of all the articles exempted under this subdivision shall not exceed one thousand dollars.

18. All moneys, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premiums paid do not exceed five hundred dollars, and if they exceed that sum, a like exemption shall exist which shall bear the same proportion to the moneys, benefits, privileges, and immunities so accruing or growing out of such insurance that said five hundred dollars bears to the whole annual premiums paid.

19. Shares of stock in any building and loan association to the value of one thousand dollars.

No article, however, or species of property mentioned in this section is exempt from execution issued upon a judgment recovered for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Sanford: Senate Bill No. 575—An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to the order of persons entitled to administer on estates of deceased persons.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 576—An Act to amend Section 794 of the Political Code, relating to notaries public.

Bill read first time, and referred to Committee on Judiciary.

By Senator Emmons: Senate Constitutional Amendment No. 21—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 7 of Article IX thereof, relating to free text-books for use in the common schools throughout the State.

Referred to Committee on Constitutional Amendments.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

The Senate proceeded to consider the daily file.

Senate Bill No. 96—An Act to amend Section 1083 of an Act of the Legislature of the State of California entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to liens of mechanics, miners, and others.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 96 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Diggs, Flint, French, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate Concurrent Resolution No. 7—Relating to the creation of proposed forest reserves in the State of California, and requesting the Boards of Supervisors and District Attorneys of counties therein affected thereby to gather and compile data, information, statistics, and maps, showing the injurious effects of the creation of such reserves.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

Senate Concurrent Resolution No. 7 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 74—An Act to repeal an Act entitled "An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens and regulating the provisions to be contained in building contracts," approved March 28, 1901.

Senate Bill No. 121—An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 537, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding-houses, and lodging-houses," approved March 1, 1889.

Senate Bill No. 192—An Act authorizing the appointment of a notary public in the City and County of San Francisco, to reside and transact notarial duties at Yerba Buena Island, or Goat Island, in the Bay of San Francisco, in addition to the number of notaries now authorized by law for said city and county.

Senate Bill No. 159—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same.

Also: Most respectfully refused passage of Senate Bill No. 200—An Act to amend Section 1379 of the Code of Civil Procedure, relating to the petition for letters testamentary and of administration, and action thereon.

Also: Most respectfully refused passage of Senate Bill No. 55—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prisons at San Quentin and Folsom.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Senate Bills Nos. 74, 121, 192, and 159 ordered to enrollment.

THIRD READING OF BILLS—(RESUMED).

Senate Constitutional Amendment No. 7—To propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 8 of Article I thereof, relating to offenses.

Senate constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 7 refused adoption by the following vote:

AYES—Senators Caldwell, Hubbell, Leavitt, Oneal, Pendleton, Savage, and Selva—7.
NOES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Knowland, Lardner, Luchsinger, Lukens, Nelson, Plunkett, Ralston, Rowell, Sanford, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—26.

SECOND READING OF BILLS.

Senate Bill No. 3—An Act to appropriate the sum of \$5,487 to pay the amount of a judgment against the State of California, and in favor of Robert Y. Hayne, with the interest thereon from the entry of said judgment to the time this Act takes effect, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the words "with interest thereon at legal rates, as provided by law and by said judgment, from the entry thereof to the time this Act takes effect," in lines six, seven and eight, section one, first page, printed bill.

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the words "four hundred and eighty-seven," in section one, in line three, first page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out the words "four hundred and eighty-seven," in section two, in line three, second page, printed bill.

Amendment adopted.

AMENDMENT No. 4.

Amend the title by striking out the figures "5487," in line one of title, and inserting in lieu thereof the figures "5000."

Amendment adopted.

AMENDMENT No. 5.

Strike out the words "with legal interest thereon from the entry of said judgment to the time this Act takes effect," in lines three and four of title, first page, printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL OF BILL.

Senator Luchsinger asked for and was granted unanimous consent to withdraw Senate Bill No. 303—An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing penalties therefor.

Senate Bill No. 303 withdrawn and ordered stricken from file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

During second reading of bill, the following amendments were submitted by Senator Knowland:

AMENDMENT No. 1.

On page one, section one, line two, strike out the word "one," and insert in lieu thereof the word "two."

Amendment adopted.

AMENDMENT No. 2.

On page one, section one, line three, strike out the words "a resident of the county of Monterey," and insert in lieu thereof the following: "residents of the city of Monterey."

Amendment adopted.

AMENDMENT No. 3.

On page two, section four, line two, strike out the words and figures "one thousand (\$1,000) dollars," and insert in lieu thereof the following: "five hundred (\$500) dollars."

Amendment adopted.

AMENDMENT No. 4.

On page two, section four, lines four and five, strike out the words and figures "five hundred (\$500) dollars," and insert in lieu thereof the following: "one thousand (\$1,000) dollars."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 311—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 71—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 207—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 263—An Act to appropriate the sum of \$40 to pay the claim of B. M. Poore for money due and owing the said B. M. Poore from the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 302—An Act to appropriate the sum of \$1,200 to pay for repairs to Capitol building and furniture, to be used during the remainder of the fifty-fourth fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 11, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly re-engrossed and re-re-engrossed:

Re-re-engrossed Committee Substitute for Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among stationary steam engineers in the State of California.

Re-engrossed Senate Bill No. 343—An Act to amend Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court.

HUBBELL, Chairman.

Senate Bill No. 343 and Committee Substitute for Senate Bill No. 62 ordered on file.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 315—An Act making an appropriation of \$700 to provide for postage, expressage, telegraphing, traveling and contingent expenses of the Governor's office for the fiscal year ending June 30, A. D. 1903.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 382—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 48—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 238—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriate money to be used for such purpose.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 152—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by inserting, after last word in line ten, section one, the following: "Twenty-five thousand dollars of the money hereby appropriated shall be available from and after July first, nineteen hundred and three; seventy-five thousand dollars thereof shall be available from and after January first, nineteen hundred and four, and the remaining fifty thousand dollars thereof shall be available from and after July first, nineteen hundred and four."

Amendment adopted.

AMENDMENT No. 2.

Amend by striking out the word "two," in line one, first page, printed bill, and inserting in lieu thereof the word "one."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Concurrent Resolution No. 6—Relative to receiving the President of the United States.

During the reading, the following substitute was submitted by the committee:

SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION No. 6.

WHEREAS, The President of the United States, Theodore Roosevelt, intends visiting the State of California during the month of April of this year; and

WHEREAS, It is fitting and proper that the State of California should extend a proper official welcome to him and his party; therefore, be it

Resolved by the Senate, the Assembly concurring, That a committee of fifteen members of the Legislature, to consist of the President and President pro tempore, and five members of the Senate to be appointed by the President of the Senate; the Speaker and Speaker pro tempore of the Assembly, and six members of the Assembly to be appointed by the Speaker of the Assembly, be named to act as joint committee of the Legislature to receive the President of the United States and those who will accompany him, when they shall reach the State line on their entrance into the State of California, in order to extend to the distinguished visitors proper official welcome. The sum of three thousand dollars, or so much as may be necessary, is hereby appropriated, one half from the Contingent Fund of the Senate and one half from the Contingent Fund of the Assembly, for defraying the expense of such reception, the funds to be expended as in the judgment of the joint committee may be deemed proper and necessary.

Substitute read and adopted.

Concurrent resolution ordered to print.

Senate Bill No. 24—An Act to appropriate the sum of \$250 to pay the claim of Thomas D. Riordan against the State of California, for professional services and advice in the case of D. B. Murphy vs. Charles F. Curry, Secretary of State, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the State Board of Examiners.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 88—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

At eleven o'clock and forty minutes A. M., Hon. C. W. Pendleton, State Senator from the Thirty-eighth Senatorial District, in the chair.

Senate Bill No. 225—An Act to add a new section to the Penal Code, to be numbered —, relating to the regulation of the marketing, identifying, manufacturing, and sale of products of crude petroleum used for illuminating and fuel purposes.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out the word "fire," in line fifteen, second page, printed bill, and inserting in lieu thereof the word "flash."

Amendment adopted.

AMENDMENT No. 2.

In line seventeen, second page, strike out the word "fire," and insert in lieu thereof the word "flash."

Amendment adopted.

AMENDMENT No. 3.

In line eighteen, strike out the word "twenty," and insert in lieu thereof the word "ten."

Amendment adopted.

AMENDMENT No. 4.

Strike out the figures "120," and insert in lieu thereof "110."

Amendment adopted.

AMENDMENT No. 5.

In line nineteen, strike out the word "fire," and insert the word "flash."

Amendment adopted.

AMENDMENT No. 6.

In line twenty-eight, strike out the word "fire," and insert in lieu thereof the word "flash."

Amendment adopted.

AMENDMENT No. 7.

In the title in the blank, after the word "numbered," the figures "625½" be inserted, and the words "and fuel" be stricken out after the word "illuminating" in the last line of the title.

Amendment adopted.

Senator Belshaw moved to reconsider the vote whereby the foregoing amendment was adopted.

Motion carried.

The following amendment was offered by Senator Belshaw:

Amend by striking out the figures "625½" and inserting in lieu thereof the figures "401."

Amendment adopted.

The following amendment was submitted by the committee:

In line two, section one, after the word "numbered," insert the figures "625½." After the word "Section," in line three, insert the figures "625½."

The following amendment to the foregoing amendment was offered by Senator Belshaw:

Amend the amendment by striking out the figures "625½," and inserting in lieu thereof the figures "401."

Amendment to the amendment adopted.

The amendment as amended adopted.

The following amendments were submitted by the committee:

On page two, after the word "misdemeanor," strike out the following section: "All oil used in boilers as fuel, for the purpose of making steam, shall be crude petroleum and

shall stand a flash test of at least one hundred and fifty degrees (150°) Fahrenheit. This section applies only to cities, and does not apply to boilers used at the wells for operating purposes or to railroad locomotives."

Amendment adopted.

Also:

On page eight in next to the last line and after the word "Sec." insert the figure "2."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 116—An Act to amend Section 11 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the annual renewal of the card or insignia of said board.

Bill read second time, considered engrossed, and ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That all bills (both Senate and Assembly) carrying appropriations of more than \$5,000 be and they are hereby placed on a special appropriation file, as soon as reported favorably from Finance Committee, and no bills on said special appropriation file shall be placed on passage until March 1, 1903.

Resolution read and adopted.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 93—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 104—An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon the President or Vice-President of the United States, the Governor of any State or Territory, any United States Justice or Judge, or the Secretary of any Executive Department of the United States, a felony; and providing a penalty therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 254—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 252—An Act to amend an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, by adding thereto a new section after Section 4 thereof relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof,

and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 253—An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 257—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Bill read second time, considered engrossed, and ordered on file for third reading.

MOTIONS TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Hubbell moved that the vote whereby Senate Constitutional Amendment No. 10—To propose to the people of the State of California an amendment to the Constitution of the State amending Article XI by adding thereto a new section, to be numbered Section 20, providing a system of direct legislation by means of the initiative and referendum in counties, cities and counties, and cities—was refused adoption, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Curtin, Emmons, Hahn, Hubbell, Luchsinger, Plunkett, Sanford, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—14.

NOES—Senators Bauer, Belshaw, Coggins, Corlett, Devlin, Diggs, Flint, French, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Selvage, Shortridge, Wolfe, and Woodward—21.

The motion by Senator Curtin to reconsider the vote whereby Senate Bill No. 220—An Act to amend the municipal corporation bill entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," and approved March 13, 1883, so as to change the time of beginning the assessment in cities of the sixth class—was refused passage on a previous day, having been made yesterday, the same was taken up for further consideration at this time.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Rowell, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—28.

NOES—None.

BILL RESTORED TO THIRD-READING FILE.

On motion of Senator Caldwell, Senate Bill No. 220 was ordered placed at the head of the third-reading file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 76—An Act appropriating \$300 to pay the reward to C. W. King for the arrest of "Indian Dick Hutchings," sometimes called "Indian Dick," for the murder of "Tyner Bill."

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "the reward to" in title, in line one, page one, printed bill.

Amendment adopted.

Also: Amend by striking out the words "the reward offered by his Excellency Governor James H. Budd for the arrest and conviction," commencing in line two, section

one, page one, printed bill, and inserting in lieu thereof the words "C. H. King for services rendered the State of California in the arrest."

Amendment adopted.

Also: Amend by inserting the words "in favor of said C. H. King," after the word "sum" in line two, section two, page one, printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.
Senate Bill No. 256—An Act to repeal Section 667 of the Penal Code of the State of California, in reference to punishment for second offenses.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 422—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out all of the title on first page, printed bill, and inserting in lieu thereof the following: "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 23 thereof."

Amendment adopted.

Also: Amend by striking out all of lines one, two, and three, section one, first page, printed bill, and inserting in lieu thereof the following:

SECTION 1. Section twenty-three of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township government,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, is hereby amended so as to read as follows:

Section 23. Section one hundred and seventy-six (176) of an Act entitled "An Act to establish a uniform system of county and township government," approved April first, one thousand eight hundred and ninety-seven, is hereby amended so as to read as follows.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.
At twelve o'clock and fifteen minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON BANKING.

SENATE CHAMBER, SACRAMENTO, February 11, 1903.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 430—An Act to amend Section 4161 of the Political Code, relating to public moneys in the hands of the County Treasurer—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

KNOWLAND, Chairman.

Senate Bill No. 430 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 10, 1903.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 420—An Act authorizing any teacher or public officer who is now a contributor to a public school teachers' annuity and retirement fund in any county, or consolidated

city and county, of this State, where there are no annuitants drawing annuities from the said fund of such county, or consolidated city and county, to cease to be a contributor to such fund within sixty days from the taking effect of this Act, and to have returned to him the amount contributed by him thereto, or such part thereof as may be available for that purpose—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROWELL, Chairman.

Senate Bill No. 420 ordered on file.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 11, 1903.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 40—An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane, and to provide for the care, custody and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties," approved March 31, 1897, and as amended by an Act approved March 21, 1899, relating to the powers of the State Lunacy Commission to fix salaries and wages.

Also: Senate Bill No. 335—An Act to provide for the erection and furnishing of an eighty-room cottage for the Napa State Hospital, located near the City of Napa, and appropriating money therefor.

Also: Senate Bill No. 336—An Act to provide for the purchase of additional grounds for the Napa State Hospital, located near the City of Napa, State of California, and appropriating money therefor.

Also: Senate Bill No. 337—An Act to provide for the construction of a dam in Kruse Canyon, in the County of Napa, for the improvement and increase of the water supply of the Napa State Hospital.

Also: Senate Bill No. 326—An Act to provide for the building of fencing, and for the purchase of farming implements, tools, and equipment at and for the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors be permitted to withdraw same.

Also: Senate Bill No. 77—An Act to provide for the improvement of the grounds of the Mendocino State Hospital and making an appropriation therefor.

Also: Senate Bill No. 49—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

Also: Senate Bill No. 57—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction.

Also: Senate Bill No. 103—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos in the power-house at the Veterans' Home located at Yountville, Napa County, State of California.

Also: Senate Bill No. 324—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 327—An Act to provide for the erection and equipment of an oil-storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to the Committee on Finance.

Also: Senate Bill No. 325—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children; to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 323—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Senate Bill No. 341—An Act to provide for the purchase of fire apparatus and machinery, and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 322—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended, and be referred to the Committee on Finance.

MUENTER, Chairman.

Senate Bills Nos. 77, 49, 57, 103, 324, 327, 325, 323, 341, and 322 referred to Committee on Finance.

WITHDRAWAL OF BILLS.

Senator Muentner asked for and was granted unanimous consent to withdraw Senate Bill No. 40.

Senator Corlett asked for and was granted unanimous consent to withdraw Senate Bills Nos. 335, 336, and 337.

Senator Woodward asked for and was granted unanimous consent to withdraw Senate Bill No. 326.

Senate Bills Nos. 40, 335, 336, 337, and 326 withdrawn and stricken from the file.

SPECIAL ORDER SET.

On motion of Senator Bunkers, the consideration of Senate Constitutional Amendment No. 1 was made a special order for to-morrow at eleven o'clock A. M.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 396—An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal Schools Trustees.

Bill read second time, considered engrossed, and ordered on file for third reading.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—30.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—THIRD READING OF BILLS.

ASSEMBLY JOINT RESOLUTION No. 1.

Relative to the construction of restraining dams and diverting canals on the Bear and American rivers.

WHEREAS, There now lies along the watersheds of the Bear and the American rivers in this State vast channels of placer deposits, containing many millions of dollars;

WHEREAS, Titles to said placer deposits were obtained from the Government of the United States by various mining companies, who have expended large sums of money in equipping them to be worked by the hydraulic mining process;

WHEREAS, By decrees of the United States courts these properties have been rendered valueless;

WHEREAS, The California Miners' Association, in convention assembled, has petitioned the Congress of the United States for appropriations of money with which to erect restraining barriers, by the General Government, having in view the resumption of hydraulic mining; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That we instruct our Senators to cooperate with our Representatives, who are earnestly requested to cause to be inserted in the River and Harbor Bill of the present session an item making

an appropriation for the purposes herein contained, and directing the chief of the Engineer Corps of the United States Army to appoint a Commission of Government Engineers, whose duty it shall be to investigate the business of hydraulic mining along the watersheds of the Bear and American rivers, and estimate the cost for the construction of permanent restraining dams, to be connected with diverting canals for the purpose of permitting the resumption of hydraulic mining, and the filling of the low lands or the reclaiming of the tule lands adjacent to said rivers. Any reports heretofore made under the direction of the Government to be made a part of the report of the commission so appointed, in so far as they may conform to the purposes outlined; *provided*, that any plans or estimates submitted by the engineers shall insure absolute and permanent protection to navigable channels, and to lands and all property interests of the Sacramento Valley, from all possibility of injury through such resumption of hydraulic mining, and from further pollution of the rivers of the valley by clay, mud or other material resulting from such mining operations.

Resolved, That a copy of these resolutions be transmitted by mail to each of our members in Congress, and to each of the members of the House Committee on Rivers and Harbors, and the Senate Committee on Commerce.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Pendleton, Ralston, Rowell, Sanford, Selva, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—26.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

Assembly Bill No. 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 102 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Coggins, Corlett, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 483—An Act to appropriate the sum of \$1,200 to pay for repairs to Capitol building and furniture, to be used during the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 483 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 236—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 236 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 169—An Act to amend Sections 3456 and 3459 of the Political Code of this State, relating to the appointment of commissioners of assessment in reclamation districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 169 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oncal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Woodward—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 24—An Act to amend Section 1885 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 99—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

Read third time.

Senator Selva moved to refer to Senator Caldwell, as a special committee of one, to amend as follows:

Amend title of Assembly Bill No. 99, as follows: After the word "constituting," in line seven, "the Second Assembly district, the Ninth district."

Also: After the word "district," line eight, add the words "the Third Assembly district the forty-seventh district, the County of Riverside the forty-eighth district, the County of Madera the forty-ninth district."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 11, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 99, with instructions to amend, respectfully reports the same back, amended as per instructions.

CALDWELL, Committee.

Report of special committee of one and amendments adopted.

Bill ordered to print, and on file for final passage.

Assembly Bill No. 25—An Act to amend Section 1882 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 484—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel.

During second reading of bill, the following amendments were submitted by the committee:

On page one, section one, line nine, strike out the words "and the treasurer shall fix the compensation of such attorney or attorneys, provided that such compensation shall be paid out of the fees now allowed the treasurer as provided in Section 20 of this Act, and that in no case shall such compensation exceed the per centum allowed as such fees," and insert in lieu thereof the following: "and such attorney shall be paid (for his services) out of the fees now allowed the treasurer as provided in Section 20 of this Act, and that in no case shall such compensation exceed the per centum allowed as such fees."

Amendment adopted.

Also: On page one, in the title of said bill, in the fourth line thereof, between the figures "1893" and the word "by," insert the following: "and all Acts amendatory thereof."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

CONSIDERATION OF SENATE BILLS.

Senate Bill No. 218—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 387—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

Bill read second time, and, on motion of Senator Wolfe, was passed on file, to retain place on file.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 11, 1903

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 206—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code) in that certain action in the Supreme Court of the State of California entitled County of San Luis Obispo vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, Chairman of the Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners; Tirey L. Ford, member of the State Board of Examiners; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, numbered Sacramento, No. 1042; and also in that certain action commenced in the Superior Court of the State of California, in and for the County of Sacramento, and which was therein entitled County of Butte vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L.

Ford, Attorney-General of the State of California; Henry T. Gage, Chairman of the State Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners of the State of California; Tirey L. Ford, member of the State Board of Examiners of the State of California; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, No. 9502; and also in those certain actions commenced in and decided by the Superior Court of the State of California in and for the County of Sacramento, and which were therein entitled W. L. Wood vs. State of California, No. 9555; W. L. Wood vs. State of California, No. 9622; Charles Bickerdike vs. State of California, No. 9608; National Bank of D. O. Mills & Co. vs. State of California, No. 9616; J. J. Bauer vs. State of California, No. 9304; C. A. Weaver vs. State of California, No. 9609; A. T. Lightner vs. State of California, No. 9613; George Leonard vs. State of California, No. 9611; C. A. Pommer vs. State of California, No. 9610; L. C. Waite vs. State of California, No. 9612; W. S. Hooper vs. State of California, No. 9526; E. Weisbaum vs. State of California, No. 9615; J. F. Pryor vs. State of California, No. 9614; W. B. Waldron vs. State of California, No. 9617; San Francisco Law and Collection Co. vs. State of California, No. 9355; N. Weisbaum vs. State of California, No. 9615; San Francisco Law and Collection Co. vs. State of California, No. 9607; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled Samuel Davis vs. State of California, No. 6869; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, which was therein entitled Samuel Davis vs. State of California, No. 6871—have had the same under consideration, and respectfully report the same back, and recommend that, as amended, it do pass.

LEAVITT, Acting Chairman.

Senate Bill No. 206 ordered on file.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 7—Relative to memorializing our Senators and Representatives in Congress to support a resolution introduced in the House of Representatives by Hon. A. C. Dayton, of West Virginia, opening the way for a rapid increase of the United States Navy—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HAHN, Chairman.

Senate Joint Resolution No. 7 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 11, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 222—An Act to pay the claim of Tirey L. Ford, and making an appropriation therefor.

Also: Senate Bill No. 267—An Act to appropriate the sum of \$290 to pay the claim of George Conway for money due and owing the said George Conway based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Senate Bill No. 470—An Act to appropriate the sum of \$185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. the State of California," numbered 1900 upon the register of the Superior Court of the State of California, in and for the County of Merced.

Also: Senate Bill No. 7—An Act to appropriate the sum of \$1,315 to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California, in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of the Legislature of the State of California, entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Senate Bill No. 268—An Act to appropriate the sum of \$1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker, based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, A. D. 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891," and regulating the procedure therein, approved March 23, 1901.

Have all the same under consideration, and respectfully report the same back, and recommend that they do pass, as amended.

Also, Senate Bill No. 320—An Act to appropriate the sum of \$2000 to pay for the cost of the printing and other necessary expenses for the Legislature and State officers to be held during the session of the Legislature, 1903.

Also, Senate Bill No. 321—An Act to pay the salary of J. W. Smith and to make an appropriation therefor, for the sum of \$2,500 to be paid out of the State of California, approved February 9, 1903.

Also, Senate Bill No. 322—An Act to appropriate the sum of \$100,000 to pay the salary of J. W. Smith, for the year 1903, and giving the said F. Phillips from the State of California.

Have all the same under consideration, and respectfully report the same back, and recommend that they do pass.

HUBBELL, Chairman.

Senate Bill—Nos. 222, 7, 25, 349, 599, 267 and 470, and Assembly Bill No. 232, ordered on file.

ON ENGAGEMENT AND ENGAGEMENT

SENATE CHAMBER SACRAMENTO, February 11, 1903.

Mr. HUBBELL, Your Committee on Engagements and Engagements have examined the following bills:

Senate Bill No. 323—An Act to amend Section 1002 of the Political Code of the State of California relating to the trial of persons charged with treason.

Senate Bill No. 324—An Act to amend Section 1002 of the Political Code relating to the trial of persons charged with treason.

Senate Bill No. 325—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 326—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 327—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

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Senate Bill No. 331—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 332—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 333—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 334—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 335—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 336—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 337—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 338—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 339—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 340—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 341—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 342—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 343—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 344—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 345—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 346—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 347—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 348—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 349—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 350—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

Senate Bill No. 351—An Act to amend an Act approved February 23, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with treason."

for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MUENTER, Chairman.

Senate Bills Nos. 318, 366, and 438 referred to Committee on Finance.
Senate Bill No. 437 ordered on file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 11, 1903.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893—have had the same under consideration, and respectfully report the same back, and a majority recommend that it do pass.

Minority recommend that it do not pass.

Also: Senate Bill No. 334—An Act to regulate the use of illuminating gas—have had the same under consideration, and respectfully report the same back without recommendation.

BAUER, Chairman.

Assembly Bill No. 139 and Senate Bill No. 334 ordered on file.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 219—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 386—An Act to amend Section 1791 of the Political Code of the State of California, relating to city, and city and county boards of examination.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 405—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 11, 1901.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Penal Code" by adding a new section thereto, to be numbered 625a, relating to unlawful interferences with public fire alarms.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 235—An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "Placer" in line ten, printed bill, and inserting the word "Placer" after the word "Calaveras" in line thirteen.

Amendment adopted.

The following amendments were offered:

By Senator Curtin:

On page two, section one, line sixteen, strike out the word "Madera."

Amendment adopted.

Also: On page one, section one, line fourteen, after the words "El Dorado" insert "Madera."

Amendment adopted.

By Senator Hubbell:

On page one, section one, line ten, strike out the words "San Bernardino," and in line thirteen, after "Amador," insert the words "San Bernardino."

Amendment adopted.

By Senator Ralston:

Insert in line nineteen, page two, after the word "thousand," the words "five hundred."

Amendment adopted.

By Senator Caldwell:

On page one, section one, line twelve, strike out the word "Riverside," and insert in lieu thereof, after the word "Tuolumne," the word "Riverside."

Amendment adopted.

By Senator Woodward:

On page one, section one, line eight, strike out the word "Sonoma."

Amendment adopted.

Also: On page one, section one, line thirteen, after the word "Calaveras," insert the word "Sonoma."

Amendment adopted.

By Senator Rowell:

On page one, section one, line eleven, strike out the word "Fresno" and, in line fourteen, insert "Fresno" after "El Dorado."

Amendment adopted.

Bill read second time, and open to amendment.

Senate Bill No. 145—An Act to amend an Act entitled "An Act for the incorporation of societies for the prevention of cruelty to children," approved April 3, 1876, by adding thereto a new section, to be numbered 4½, relating to arrests for violations of Acts for prevention of cruelty to children.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 154—An Act to amend an Act entitled "An Act for the protection of children, and to prevent and punish wrongs to children," approved March 29, 1878, by amending Sections 1 and 3 thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 347—An Act to amend Section 8 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the powers of the Board of Trustees of the State Mining Bureau.

Bill read second time, considered engrossed, and ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Lukens: Senate Bill No. 577—An Act to add a new section to the Political Code, to be numbered 1003a, relating to terms of office.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to counties of the third class.

Bill read first time, and referred to Committee on County Government.

By Senator Shortridge: Senate Bill No. 579—An Act to amend Section 868 of the Code of Civil Procedure, relating to attachments.

Bill read first time, and referred to Committee on Judiciary.

By Senator Smith: Senate Joint Resolution No. 9—Relative to the claim of Jessie Benton Fremont's heirs to compensation for property taken by the United States for public purposes in 1863.

Referred to Committee on Federal Relations.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Byrnes, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Concurrent Resolution No. 4—Approving the Charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 30th day of August, 1902.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Byrnes asked for and was granted unanimous consent to take up Assembly Concurrent Resolution No. 4 for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 4.

Approving the Charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 30th day of August, 1902.

WHEREAS, The City of Watsonville, a municipal corporation of the County of Santa Cruz, is now, and was at the times herein referred to, a city containing a population of more than three thousand five hundred inhabitants and less than ten thousand inhabitants;

WHEREAS, At a special municipal election duly held in said city on the fifteenth day of April, nineteen hundred and two, under and in accordance with law and provision of section eight of article eleven of the Constitution of said State of California, a board of fifteen freeholders, duly qualified, was elected in and by said city, by the qualified electors thereof, to prepare and propose a charter for said city; and

WHEREAS, The same was, on the tenth day of July, nineteen hundred and two, signed in duplicate by the members of said board of freeholders, and was thereupon duly returned, one copy to the President of the Board of Trustees of said city, and the other copy to the County Recorder of Santa Cruz County; and

WHEREAS, Such proposed charter was then published in one daily newspaper of general circulation in said city, to wit: The Watsonville Daily Register, for more than twenty days after the completion of said charter (said publication being from the seventeenth of July to August eighth, nineteen hundred and two); and

WHEREAS, Within less than thirty days after the publication of said charter as required by said section eight of article eleven of said Constitution, to wit: on the

thirtieth day of August, nineteen hundred and two, said charter was submitted by the legislative authority of said City of Watsonville to the qualified electors of said city at the special election previously duly called and then held therein for the purpose of ratifying or rejecting said proposed charter;

WHEREAS, The returns of said election were duly canvassed by said Board of Trustees of said city at a meeting held on the second day of September, nineteen hundred and two; and

WHEREAS, At said special election, a majority of said qualified electors of said city voting at such special election, voted in favor of the ratification of such charter as proposed as a whole; and

WHEREAS, Said Board of Trustees, after canvassing said returns, duly found and declared that the majority of said qualified electors, voting at said special election, had voted for ratifying said charter; and

WHEREAS, Said charter as so constituted by its ratification as a whole, is now submitted to the Legislature of the State of California for its approval and ratification as a whole without power of alteration or amendment, in accordance with section eight of article eleven of the Constitution of said State; and

WHEREAS, Said charter so ratified is in words and figures following, to wit:

CHARTER PREPARED AND PROPOSED FOR THE CITY OF WATSONVILLE

By the Board of Freeholders elected April 15, 1902, in pursuance of the provisions of Section 8, Article XI, of the Constitution of the State of California.

Article I—Boundaries and Corporate Powers.

SECTION 1. The municipal corporation now existing and known by the name of "City of Watsonville" shall remain and continue a body politic and corporate in name and in fact, by said name of City of Watsonville, and by that name shall have perpetual succession; may sue and defend in all courts and places and in all matters and proceedings whatever; may have and use a common seal and may alter the same at pleasure; may make and enter into contracts; may purchase, acquire, receive, hold, possess, and enjoy necessary real and personal property within and without its corporate limits, and may sell, convey, lease, and dispose of the same for the common benefit; may construct, purchase, or otherwise acquire water works, artificial light works, street railroads, and other public utilities, and may regulate, manage, and dispose of the same; may receive bequests, gifts, and donations of all kinds of property within or without its corporate limits, in fee simple or in trust for charitable and other lawful purposes, and do all acts necessary to carry out the purposes of such gifts, bequests, and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust; may within the limits provided by this charter, levy and collect taxes upon all taxable property within the City of Watsonville, and may do and perform all other acts necessary or incident to the exercise of the powers herein, or otherwise by law granted.

SEC. 2. The City of Watsonville shall continue, under this charter, to have, hold and enjoy all property, rights of property, rights of action of every nature and description, of the existing municipality, and is hereby declared to be the successor of the same.

SEC. 3. Suits, actions, and proceedings may be brought in the name of City of Watsonville for the recovery of any property, money, or thing belonging thereto, in law or in equity, or dedicated to the public use, or for the enforcement of any rights or contracts with said corporation; whether made, or arising, or accruing before or after the adoption of this charter. All existing suits, actions, and proceedings, in court or elsewhere, to which the City of Watsonville is a party, shall continue to be carried on by or against said City of Watsonville.

SEC. 4. No recourse shall be had against the City of Watsonville for damages or loss to person or property suffered or sustained by reason of the defective condition, or for want of repair of any sidewalks, street, avenue, alley, highway, public park or public place, whether any of said defects originally existed, or whether they were occasioned by construction, excavation, or embankment; nor shall there be any recourse against the said municipal corporation for any damage to persons or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, park, court, or place, or suffered or sustained by reason of the falling from any embankment thereon, or into any excavation therein; but in such case the person or persons on whom the law may have reposed the obligation to repair such defects in the sidewalk, street, highway, or sewer, and also the person or persons, officer or officers, through whose official negligence such defects remain unrepaired, without adequate guard and lights placed for the protection of the public, shall be jointly and severally liable to the party injured for damages sustained.

SEC. 5. Said municipality shall have power, upon a two-thirds affirmative vote of the electors thereof, to levy taxes, exceeding the limits hereinafter provided in this charter to be levied by the Board of Aldermen; such excess levy not to exceed, in any one year, one per cent of the assessed valuation made for the purpose of city taxation of the property within the territory of said City of Watsonville.

SEC. 6. The boundaries and area of the City of Watsonville shall be and remain as fixed by section two of an Act of the Legislature of the State of California entitled, "An Act to incorporate the Town of Watsonville, Santa Cruz County, California," approved March thirtieth, eighteen hundred and sixty-eight; *provided, however*, that the bound-

aries and area of said city may be enlarged or altered in accordance with the provisions of the general laws of the State of California. If area is enlarged it shall become a part of contiguous ward or wards, as may be determined by the Board of Aldermen.

SEC. 7. The City of Watsonville is hereby divided into four wards, which shall be respectively designated and described as follows:

First Ward—The first ward shall consist of all that portion of the City of Watsonville bounded as follows: Commencing at a point in the center of Pajaro street, at the intersection of the middle line of said Pajaro street with the middle line of Third street, thence running along the center line of said Pajaro street northwesterly, and in a northerly direction along the middle line of a continuation of said Pajaro street to the northwestern boundary of said city; thence along the boundary lines of said city southwesterly and southeasterly to the middle line of Third street; thence along the middle line of said Third street in an easterly and northeasterly direction to the place of beginning.

Second Ward—The second ward shall consist of all that portion of the City of Watsonville bounded as follows: Commencing at a point in the center of Pajaro street at the intersection of the middle line of said Pajaro street with the middle line of Third street; thence running along the center line of said Pajaro street northwesterly and in a northerly direction along the middle line of a continuation of said Pajaro street to the northwestern boundary of said city; thence along the boundary lines of said city northeasterly and southeasterly to the middle of Third street; thence along the middle line of said Third street in a southwesterly direction to the place of beginning.

Third Ward—The third ward shall consist of all that portion of the City of Watsonville bounded as follows: Commencing at a point in the center of Pajaro street at the intersection of the middle line of said Pajaro street with the middle line of Third street; thence running along the center line of said Pajaro street southeasterly to the southeastern boundary of said city; thence along the boundary lines of said city northeasterly and northwesterly to the middle line of Third street; thence along the middle line of Third street in a southwesterly direction to the place of beginning.

Fourth Ward—The fourth ward shall consist of all that portion of the City of Watsonville bounded as follows: Commencing at a point in the center of Pajaro street at the intersection of the middle line of said Pajaro street with the middle line of Third street; thence running along the center line of said Pajaro street southeasterly to the southeastern boundary of said city; thence along the boundary lines of said city southwesterly and northwesterly to the middle line of Third street; thence along the middle of Third street in an easterly and northeasterly direction to the place of beginning.

Article II—Legislative Department.

SECTION 1. The legislative power of the City of Watsonville is hereby vested in a Board of Aldermen, consisting of eight members, two from each ward. Aldermen shall be qualified electors of the city and shall be elected by the qualified electors of their respective wards, and must be residents of the City of Watsonville for two years and of the ward from which they are elected for at least one year prior to their election. The term of office of the Board of Aldermen shall be four years. At the first election of Aldermen one from each ward shall be elected for a short term of two years.

SEC. 2. If a vacancy occurs in the office of Alderman, it shall be filled by appointment by the Mayor, which appointment must be confirmed by the Board of Aldermen. The one appointed must be a resident of the same ward in which the vacancy exists and he shall hold office until the next election.

SEC. 3. The Board of Aldermen shall hold regular meetings at least once a month at the city hall and shall designate by ordinance the time of such regular meeting. Special meetings may be called by the Mayor, or, in case of his absence or refusal to act, by four Aldermen. The votes of five Aldermen shall be requisite to the passage of any ordinance, resolution, or other official act of said board.

SEC. 4. The Board of Aldermen may establish rules to govern its proceedings, may punish its members for disorderly conduct committed in its presence, and by a vote of not less than six members may, with the approval of the Mayor, expel any member for malfeasance in office.

SEC. 5. The Board of Aldermen may compel the attendance of witnesses and the production of documents, books, and records relating in any way to matters pending before it; and for disobedience to a subpoena or contemptuous or disorderly conduct committed in its presence, may fine the offender not more than one hundred dollars, or punish him by imprisonment in the city jail not more than ten days.

SEC. 6. The meetings of the Board of Aldermen shall be open to the public, and the ayes and noes shall be taken and recorded by the clerk upon every final action of said board in the granting or extending of franchises, the making of contracts, the ordering of work to be done, or supplies to be furnished, the election of subordinate officers, and the passage of ordinances.

SEC. 7. The enacting clause of all ordinances shall be: "The people of the City of Watsonville do ordain as follows."

SEC. 8. All ordinances shall be reduced to writing before being passed, and upon passage shall be presented to the Mayor for approval. If he approves such ordinance, he shall indorse it accordingly, and the same shall take effect and be in force from and after the tenth day after such approval unless otherwise provided in such ordinance. If the Mayor do not approve such ordinance, he shall indorse the fact of its rejection thereon within ten days after such passage; otherwise it shall go into effect

on the twentieth day after its passage. By the affirmative vote of six members of the Board of Aldermen a veto of the Mayor's shall be overcome and such ordinance shall take effect on the tenth day after such affirmative vote; *provided*, such affirmative vote be taken within sixty days after the original passage of such ordinance.

Sec. 9. All ordinances shall be published in some newspaper published in the City of Watsonville at least once before going into effect. All ordinances, orders, and resolutions of the City of Watsonville now in force shall continue in force until modified, abrogated, repealed, or amended by the Board of Aldermen.

Sec. 10. No contract for supplies, printing, advertising, stationery, maintenance of prisoners, fuel, street sprinkling, street repairs, sweeping or lighting streets, public buildings, places or offices, or the supplying of water for the use of the municipality shall be made for a longer period than one year, nor shall any contract be made to pay for gas, electric lights, or any other illuminating materials, or for the supplying of water for the municipality at a higher rate than is charged to other consumers. The erection, improvement, and repair of all public buildings, and works, street and sewer work, and the furnishing of supplies, or material for the same, and all purchases of other supplies, and all contracts where the expenditure exceeds two hundred and fifty dollars shall be let by contract to the lowest responsible bidder, after notice published at least once in some newspaper published in the City of Watsonville. Such notice shall state the character of the work to be done, or supplies to be furnished, or refer to the place where the specifications may be seen.

Sec. 11. It shall be the duty of the Board of Aldermen to, at all times, keep the roadway of all streets within the city, which have been, or may be graded, curbed, guttered, and sidewalked, free and clear from weeds, grass, and other obstructions.

Sec. 12. Subject to the provisions, limitations, and restrictions in this charter contained, the Board of Aldermen shall have power:

1. To make and enact all ordinances not repugnant to or inconsistent with the provisions of this charter, the Constitution of the State of California, and the Constitution of the United States.

2. To acquire, by purchase, or condemnation, such real property as may be needed for public use.

3. To use, care for, manage, control, improve, lease, and sell, all real and personal property belonging to the city; *provided, however*, that said board shall have no power to hypothecate, or mortgage, any property of said city. All real estate must be sold at public auction to the highest bidder, after notice of one or more publications in a newspaper published in the city. The last publication of said notice shall be made at least ten days before the day of sale.

4. To lay out, open, extend, alter, and close streets, avenues, lanes, alleys, courts, and public places within said city, and to fix and alter their official grades; to grade, pave, curb, sidewalk, sewer, drain, and otherwise improve the same; to provide for the repair, cleaning, and watering thereof; to manage and control such streets, highways, and places, and to regulate the use thereof; to regulate or prohibit the placing or maintaining of hitching posts, trees, signs, awnings, and other obstructions therein, and to remove obstructions therefrom.

5. To require the owners of real estate in the city to remove grass, weeds, and obstructions from the sidewalk in front of their property, and upon their default to cause such work to be done, and the cost thereof to be made a lien upon such property.

6. To fix limits within which wooden buildings or structures shall not be erected, placed, or maintained, and to prohibit the same within such limits.

7. To regulate the construction of and the material used in all buildings, chimneys, stacks, and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks, and other structures, and to provide for their summary abatement or destruction; to prescribe the depths of cellars and basements, the materials used in and the method of construction of foundations and foundation walls, the manner of construction and location of drains and sewers, the materials used in and the thickness and construction of party walls, partition and outside walls, the thickness and construction of chimneys, the construction and character of sewer connections, sanitary plumbing, bath-rooms, water-closets, privies, and vaults, the manner and materials used in wiring buildings or other structures for the use of electricity for lighting, power or other purposes, and the manner and materials used for piping buildings or other structures for the purpose of supplying the same with water and gas; to summarily abate and prohibit the construction of buildings and structures which do not conform to such regulations.

8. To regulate the size and construction of the entrances to and exits from theaters, lecture-rooms, churches and other public buildings, and to prohibit the placing of seats or other obstructions in the aisles and open spaces in such buildings.

9. To examine, either in open session or by committee, or commission, all books, papers, vouchers, reports, statements, and accounts of the several officers and employes of the city and of any other person having care, custody or control of any money, funds or property belonging or appertaining to the City of Watsonville, or any of its funds, trusts or uses.

10. To make all necessary rules to govern the official conduct and prescribe the duties of all officers and employes of the city whose duties are not defined in this charter, and to impose additional duties upon those whose duties are herein set forth.

11. To fix the salary and compensation of all officers and employes of the city whose compensation is not fixed or prescribed in this charter; to require bonds from all city officers for the faithful performance of the duties of their office; to fix the amount of such bonds, and to approve the same.

12. To provide for the holding of municipal elections, give notice thereof, establish and alter election precincts, and appoint all necessary election officers.

13. To ordain, make, and enforce, within the city, all necessary local, police, sanitary, and other laws and regulations.

14. To define and prevent nuisances, and to provide for the abatement or summary removal thereof.

15. To prohibit or suppress houses of ill-fame or prostitution, and to prescribe the evidence necessary to establish the fact that a house is of ill-fame or used for the purposes of prostitution.

16. To determine and prescribe fines, forfeitures, and penalties for the breach or violation of any ordinance, and to make the violation of its ordinances a misdemeanor, and to prescribe the punishment for such violation, which punishment shall be by fine or imprisonment, or by both fine and imprisonment; *provided, however*, that such fine shall not exceed the sum of five hundred dollars, and such imprisonment shall not exceed six months.

17. To provide for and maintain a city prison, and to provide for the management, maintenance, and clothing of persons detained therein.

18. To provide for the formation of a chain gang of persons convicted of misdemeanors in the city police court, and for their employment for the benefit of the city.

19. To establish and maintain a public pound, to prevent or regulate the grazing of animals on the streets or public places, and to regulate or prevent the running at large of animals within the city, and to provide for the impounding, sale, or destruction of such animals.

20. To organize, maintain, regulate, and control the police department and fire department of the city.

21. To prevent any riotous assemblage or disorderly conduct in the city.

22. To offer rewards, not exceeding two hundred and fifty dollars in any one instance, for the apprehension and conviction of any person who has committed a felony in the city, and to authorize the payment thereof.

23. To provide for and maintain a morgue.

24. To own, manage, and control cemeteries within or without the city, and to sell or lease lots therein; to regulate or prohibit the burial of the dead in the city, and to authorize the disinterment and removal of any body buried within said city or in a cemetery belonging thereto.

25. To regulate the management of slaughter-houses, chemical works, glue factories, laundries, tanneries, and all other offensive trades, and all manufactories, works, and business of every description which may endanger the public safety, health, and comfort; and to restrict the same to fixed limits or to prohibit their maintenance within the city.

26. To regulate or prohibit the manufacture, keeping, storage, and use of powder, nitro-glycerine, fireworks, and other explosive substances and materials.

27. To regulate the storage of hay, straw, and other inflammable materials.

28. To regulate or prohibit the use of steam boilers and steam engines within the city.

29. To levy and collect, within the limits prescribed by this charter, taxes on all property, real or personal, within the city, made taxable by law for state and county purposes.

30. To manage and control the city's finances, and to examine and liquidate all accounts against the city, or to reject the same in whole or in part.

31. To license, for the purpose of regulation and revenue, all and every kind of business, not prohibited by law, and transacted and carried on in said city, and all shows, exhibitions, and lawful games carried on therein, and to fix the license tax upon the same and to provide for the collection thereof.

32. To provide for the purchase of any property levied upon under execution in favor of the city; *provided*, that the amount bid for such property shall, in no instance, exceed the amount of the judgment and costs.

33. To provide for the proper execution of all trusts confined in the city.

34. To provide a seal for the City of Watsonville, for the city police courts, and for such officers and departments of the city government as may require the same.

35. To provide for the preservation, maintenance, and extension of the city's sewer system, and to make and enforce all necessary rules and regulations for the management and use thereof.

36. To prescribe sewerage districts, and to require and compel the owners of all buildings and dwellings situated within such districts to connect the same with the city sewer system, and in case of default on the part of such owners, to cause such work to be done and the cost thereof to be made a lien against such property.

37. To provide for the city's printing and advertising.

38. To establish, maintain, and manage public markets in the city.

39. To provide for the naming of streets, and the numbering of houses in the city.

40. To provide for the erection, maintenance, and repair of all municipal buildings, and for the cleaning and lighting thereof.

41. To do and perform all other acts and things not herein enumerated, but required by this charter or by law, or necessary or incident to the exercise of any power conferred upon said board.

42. To grant franchises and to grant the right to erect or lay telegraph or telephone wires, to construct and operate street railroads, to lay gas or water pipes, to erect poles and wires, or lay conduits for transmitting electric energy for lighting or power purposes along or upon the public streets and highways of the city; *provided, however*, that all such rights and franchises shall be granted subject to all the restrictions and limitations in this charter contained relating to the granting of franchises.

43. To define nuisances, and to prevent, remove, and abate the same, and to provide that said nuisances may be removed or abated at the expense of the party or parties creating, causing, committing, or maintaining such nuisances and to prohibit offensive and unwholesome businesses or establishments within the city.

44. To provide for and regulate the inspection of all dairies, either within or without the city limits, that offer for sale or sell any of their products in the city.

45. To provide for and regulate the inspection, by the health officer, of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, flour, meal, milk, and other products offered for sale in the city, and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated, or unwholesome, and to regulate and prevent the bringing into the city, or having, or keeping within the city of such unsound, spoiled, adulterated, or unwholesome products.

46. To cause the removal and placing underground of all telephone, telegraph, electric light, or other wires within the city, or within any designated portion thereof, and to regulate and prohibit the placing of poles and the suspending of wires along or across any of the streets, alleys, and public places of the city.

47. To regulate telephone service and the use of telephones, and to fix and determine the charges for telephones, telephone service, and connection within the city.

48. To adopt by ordinance at any time any provisions made by the general law of the State of California for the assessment, levy, and collection, or either, of the city taxes by and through the officers of the county.

49. To license and regulate places of amusement and the carrying on of any and all professions, trades, callings, occupations, and kinds of business carried on within the limits of said city, and to fix the amount of license tax thereon to be paid by all persons engaged in carrying on such places of amusement, and such professions, trades, callings, occupations, and all kinds of business in said city, and to provide for the manner of enforcing the payment of such license tax; and to regulate, restrain, suppress, or prohibit hawking and peddling and the carrying on of any laundry, livery, and sale stable, cattle or horse corral, planing mill, rolling mill, oil well, tank or refinery, foundry, brickyard, slaughter-house, butcher shop, and the keeping of bees, cattle or poultry within the limits, or within any designated portion, of said city; and to prohibit and suppress all faro banks, games of chance, gambling houses, bawdy houses, and any and all obnoxious, offensive, immoral, indecent, or disreputable places or practices within the said city.

50. To adopt and enforce by ordinance all such measures and to establish all such regulations, in case no express provision is in this charter made, as the Board of Aldermen may from time to time deem expedient and necessary for the promotion and protection of the health, comfort, safety, life, welfare, and property of the inhabitants of the city, the preservation of peace and good order, the promotion of public morals, and the suppression of vice in the city.

51. To prohibit and punish cruelty to animals and fowls, and to require the places where they are kept to be maintained in a healthful condition.

52. To restrain or punish vagrants, mendicants, street beggars, and lewd persons, and prevent diseased, maimed, injured, or unfortunate persons from displaying their infirmities for the purpose of receiving alms, and to prevent and punish drunkenness, and all obnoxious, offensive, immoral, indecent, and disorderly conduct and practices in the city.

53. To require the owners and lessees of buildings or other structures to place upon or in them fire escapes and appliances for protection against and the extinguishment of fires.

Article III—Executive Department.

SECTION 1. There shall be a Mayor, who shall be the chief executive officer of the City of Watsonville. He shall be elected at each general municipal election in said city, and his term of office shall be two years. He shall be at least twenty-one years of age, a citizen of the State of California, and a resident and qualified voter of the City of Watsonville for the two years immediately preceding his election.

1. The Mayor shall be the presiding officer of the Board of Aldermen, but shall not vote unless the board be equally divided. He may call special sessions of said board and shall do so upon the request, in writing, of a majority of the members thereof. He shall have the right to be present at the meetings of all special and standing committees of said board. He shall sign the journal of said board and all warrants drawn upon the city treasury.

2. He shall diligently observe the official conduct of all officers and employes of the city and take note of the fidelity and exactitude, or want thereof, with which they execute their duties and obligations; especially in the collection, administration, and disbursement of the public funds and property. The books, records, and official papers of all departments, boards, officers, and persons in the employment or service of the city shall at all times be open to his inspection, and he shall take special care to see that all

such books, records, and documents are kept in proper legal form. He shall have the general supervision of all departments, public institutions, and officers in the city, and shall see that they are lawfully, economically, and honestly conducted. He may, with the consent of the Board of Aldermen, at any time that he deems necessary or expedient, appoint a competent person who is an expert in bookkeeping and accounts, to examine the books, records, conditions, and affairs of any and all departments, boards, or officers in the city, and make report thereon, and the person so appointed shall have full power and authority to examine all books, records, and documents of, or pertaining to the department or office, which he has been authorized to investigate.

3. When any official defalcation, willful neglect of duty, or other official misconduct by or on the part of any employé of the City of Watsonville shall come to the knowledge of the Mayor, he shall have the power to suspend such delinquent officer or person from his office or employment and immediately report the matter to the Board of Aldermen for investigation. The board may, after a public hearing, approve such suspension and remove the accused person from his office or dismiss him from the service of the city, by a majority vote of the entire board.

4. The Mayor shall see that all contracts and agreements with the city are faithfully kept and performed, and to that end he, with the consent of the Board of Aldermen, shall cause legal proceedings to be commenced and prosecuted, in the name of the city, against all persons, associations, or corporations failing to fulfill their agreements or contracts with the said city, in whole or in part.

5. The Mayor shall, once every month, together with the City Attorney, and the chairman of the finance committee of the Board of Aldermen, count the cash in the city treasury and ascertain whether or not it corresponds with the books of the City Treasurer and City Auditor, and report the result of such count to the Board of Aldermen at its next meeting.

6. The Mayor shall see that the laws of the State of California, the provisions of this charter, and the ordinances of the city are strictly enforced and duly observed. He shall take all necessary measures for the preservation of public order and the suppression of all mobs, riots, and tumults, for which purpose he may use the police force, and in case such force is insufficient he may call upon the Governor of the State for military aid.

7. The Mayor shall, annually, and oftener, if he deems proper, communicate in writing to the Board of Aldermen a statement of the affairs of the city, and shall recommend such measures regarding the public health, the cleanliness and ornament of the city, the improvement of its government, its finances, and other matters that he may judge proper or beneficial to the city's interest; and he shall exercise such other powers, and perform such other duties as may be conferred or prescribed in this charter, by law, or the ordinances of the city.

8. When, by reason of absence from the city, or from any other cause, the Mayor is temporarily unable to perform the duties of his office, the Board of Aldermen may select one of their number president pro tem., and he shall act as Mayor during the absence or disqualification of that officer. When, from any cause, there occurs a vacancy in the office of Mayor, the Board of Aldermen shall elect one of their number president pro tem., who shall be ex officio Mayor and who shall hold office during the remainder of the unexpired term.

The City Clerk, Auditor, and Assessor.

SEC. 2. There shall be a City Clerk, who shall be ex officio City Auditor and City Assessor. He shall be elected at each general municipal election, and his term of office shall be two years. He shall be a citizen of the State of California and a resident and qualified elector of the City of Watsonville for two years next preceding his election.

1. As City Clerk: He shall be present at all meetings of the Board of Aldermen, and keep a journal of its acts and proceedings. He shall have the custody of, and be responsible for the corporate seal of the city, and all books, papers, records, documents, and archives thereof, not in actual use by some other officer, or, by special provision of law, confided to other custody. He shall authenticate, by his signature and the corporate seal of the city, all ordinances of the city and official acts of the Board of Aldermen. He shall, in separate books to be kept by him for such purpose, record all ordinances of the city, all contracts to which the city, or any officer thereof, is party, and all official, or other bonds, given to said city, or in which it is interested. He shall make out, sign, and deliver to the City Collector, all licenses issued by said city. He shall file all claims and demands against the city, which are required to be presented to the Board of Aldermen, and in a book kept for that purpose, shall keep a list of all such claims acted upon, showing the name of the claimant, the amount of the claim, the date and amount of its allowance, and the number of the warrant issued in payment thereof. He shall keep all books and public records properly indexed, and open to inspection by the general public at all times, when not actually in use. He shall have the power to take affidavit, and administer oaths in all matters relating to the city's business, and shall make no charge therefor. And he shall perform such other duties as may be imposed by this charter, the laws of the State, or the ordinances of the city.

2. As City Auditor: He shall keep a complete set of books, in which shall be set forth, in a plain and business-like manner, every money transaction of the City of Watsonville, so as to show at all times the amount of money in the city treasury, and the condition of each fund, from what sources said money was derived, and for what purpose all money has been expended; together with all collections made and paid

into the treasury by each officer, or other person. It shall be the duty of the City Auditor to apportion among the several funds all public moneys at any time in the city treasury, and not, by law or ordinance, specifically apportioned or appropriated, and to forthwith notify the City Treasurer of such apportionment. He shall keep a record of all demands allowed by the Board of Aldermen against the city, and shall draw and countersign a warrant for the same on the City Treasurer immediately after such demand has been audited and allowed, as provided in this charter, and shall keep a record of such warrants. He shall, on application of any person indebted to the City of Watsonville, or holding money payable into the city treasury, or desiring to pay money therein, certify to the City Treasurer the amount to be paid, by whom the same shall be paid, and to what fund the same is applicable. He shall, upon deposit with the City Treasurer of such money, charge that officer with the amount received by him, and give the person paying the same a receipt therefor. He shall report to the Board of Aldermen at the first regular meeting in each month, the condition of each fund in the city treasury. He shall, on or before the first day of July of each year, make and present to the Board of Aldermen a report as to the revenue and expenses of the city for the current fiscal year, in which he shall set forth careful estimates: First, of the revenue from sources other than taxation; secondly, of the expenditures required, itemizing such expenditures; and, lastly, of the amounts necessary to be raised by taxation for each fund. And he shall perform such other duties as may be required of him by this charter, law, or the ordinances of the city.

3. As City Assessor: He shall prepare, on or before the first day of August of each year, and present to the Board of Aldermen, with his certificate of its correctness, a list of all the real and personal property in said city, taxable for municipal purposes, with the true valuation thereof; be present at all sessions of the City Board of Equalization, and furnish to said board such information regarding the assessment roll and on all matters pertaining thereto as may be required. He shall act as clerk of said Board of Equalization, keep a journal of its proceedings, and enter upon said assessment list all changes and corrections made by said board. He shall make, or procure to be made, all necessary abstracts to be used in making up the assessments of the property in said city. After the taxes have been fixed by the Board of Aldermen, he shall make the proper calculations and enter upon the assessment book the amount of taxes due from each taxpayer, and deliver said book, so completed, to the City Collector on or before the third Monday of September of each year. And he shall perform such other services and exercise such other powers as may be required of or conferred upon him by this charter, by law, or by the ordinances of the said city.

The City Treasurer.

SEC. 3. There shall be a City Treasurer. He shall be elected at each general municipal election, and his term of office shall be two years. He must be a citizen of the State of California, and a resident and qualified elector of the City of Watsonville for the two years next preceding the day of his election. He shall receive and keep all moneys belonging to or that shall come to the City of Watsonville by taxation or otherwise, and pay out the same on demands, legally audited in the manner provided by this charter or ordinance of the Board of Aldermen; and without such auditing he shall disburse no public money whatever, except the principal and interest on the municipal debt when payable. He shall keep an account of all his receipts and expenditures, under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the Board of Aldermen of all his receipts and expenditures of the preceding month, and shall do all things required of him by this charter or by the ordinances of said city.

The City Attorney.

SEC. 4. The Board of Aldermen shall appoint an attorney for the city, who shall be known as the City Attorney, and shall hold his office during the pleasure of the Board of Aldermen. The City Attorney shall have been an elector of the city for at least two years prior to his appointment; shall have been duly admitted to practice in the Supreme Court of the State of California, and shall have been actually engaged in the practice of his profession for a period of at least one year next before his appointment. It shall be his duty to attend to all suits and all other matters and proceedings in which the city may be legally interested; *provided*, that the Board of Aldermen shall have control of all litigation. He shall, whenever required by the Mayor, Board of Aldermen, or any city officer, give his advice or opinion in writing. He shall be the legal adviser of all city officers. He shall draft and approve the form of all official and other bonds given to, and all contracts made with the city; he shall draft, when requested by the Mayor or Board of Aldermen, or any member thereof, all proposed ordinances, resolutions, or orders of the Board of Aldermen, and shall do and perform all other things touching his office required of him by the Mayor or Board of Aldermen.

The City Engineer, Superintendent of Streets, and Superintendent of Sewers.

SEC. 5. There shall be a City Engineer, who shall be ex officio Superintendent of the Streets and Superintendent of Sewers. The Board of Aldermen shall appoint a civil engineer and surveyor, who shall be known as the City Engineer, and shall hold his office during the pleasure of the board.

1. As City Engineer: He shall perform the duties prescribed by this charter, and such other duties as may be prescribed by the Board of Aldermen. He shall possess

the same power in said city in making surveys, plats, and certificates, as is or may be from time to time given by law to county surveyors, and his official acts, and all plats, surveys, and certificates, made by him shall have the same validity and be of the same force and effect as are, or may be, given by law to those of the County Surveyor. He shall make all surveys, inspections, and estimates required by the Board of Aldermen; he shall examine all public work done under contract, and report thereon, in writing, to the Board of Aldermen. He shall, on application of any person, owning or interested in real property in said city, for a survey or plat of property, make and deliver the same upon the payment of his fees therefor. He shall be the custodian of all maps, plats, profiles, field notes, and other records and memoranda belonging to the city appertaining to his office and the work thereof; all of which he shall keep in proper order and condition, with the full index thereto, and all of which he shall turn over to his successor. All maps, plats, profiles, field notes, estimates, and other memoranda and surveys, and other professional work made or done by him, or under his direction or control, during his term of office for the city, shall be the property of the city.

2. As Street Superintendent: He shall have the general care of the streets of the city and shall see that all traveled streets are kept in good repair. He shall receive and investigate all complaints as to their condition, and shall have charge of the enforcement of all ordinances pertaining to street obstructions or street improvements. He shall superintend all public work pertaining to street improvements while the same is in course of construction; inspect and approve or reject all materials used in such construction, whether done under contract or otherwise; and shall at once report to the Board of Aldermen, in writing, all deviations from contracts, use of improper material and bad workmanship in such work, and shall have, pending investigation, power to stop all work thereon. He shall perform such other duties as are herein elsewhere prescribed or may be hereafter imposed by ordinance.

3. As Superintendent of Sewers: He shall perform such duties as may be prescribed in this charter or by the Board of Aldermen by ordinance.

(The Board of Aldermen may by ordinance provide that the offices specified in this article shall be held by separate officials.)

Article IV—Judicial Department.

SECTION 1. The judicial power of the City of Watsonville shall be vested in a Police Court, consisting of one Police Judge. The Police Judge shall be elected in the same manner as are other city officers at each regular municipal election, and shall hold office for the period of two years. He shall be a resident and qualified voter in the City of Watsonville for at least two years next preceeding the day of his election. Any vacancy in the office of Police Judge shall be filled by appointment of the Mayor, which appointment must be ratified by the Board of Aldermen.

SEC. 2. The city shall provide a suitable court-room and office for holding the City Police Court, the necessary furniture and stationery, and a seal for said court. At any time that the Board of Aldermen may deem necessary, it may authorize the appointment of a clerk of said court, and provide for his compensation.

SEC. 3. The City Police Court shall have exclusive jurisdiction:

1. Of all actions and proceedings, both civil and criminal, for the violation of any city ordinance.

2. Of all actions for the collection of any license required by any city ordinance.

3. Of all actions and proceedings for the collection of money due the city, or due from the city to any person, where the amount sought to be collected, exclusive of interest and costs, is less than three hundred dollars.

4. Of all actions to recover for the breach or forfeiture of any bond, undertaking or recognizance given to, or for the benefit, or in behalf of the city, including official bonds, bonds given in legal proceedings, and to secure the performance of contracts; and of all actions for the breach or violation of any contract to which the city is a party or in which it is interested, and of all actions for damages by or against said city; *provided*, that the amount claimed, exclusive of interest and costs, is less than three hundred dollars.

5. Of all actions for the collection of taxes and assessments of all kinds levied for city purposes, where the amount of the tax or assessment sought to be collected against the person assessed is less than three hundred dollars.

6. Of all actions for the recovery of personal property belonging to the city, when the value of such property, exclusive of damages for its taking or detention, is less than three hundred dollars.

SEC. 4. The City Police Court shall also have jurisdiction of the following public offenses committed within the city boundaries:

1. Petit larceny.

2. Assault and battery not charged to have been committed upon a public officer in the discharge of his official duty, or with such intent as to render the same a felony.

3. Breaches of the peace, riots, affrays, committing willful injury to property, and all misdemeanors punishable by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment.

4. Of proceedings respecting vagrants, lewd or disorderly persons; and

5. Such other criminal jurisdiction as now is or may hereafter be conferred by law upon police courts, justices' courts, or justices of the peace.

SEC. 5. Procedure in the City Police Court, in both civil and criminal matters, shall be as it is, or may hereafter be prescribed by law for justices' courts.

SEC. 6. The City Police Judge shall receive as compensation the same fees that now are or may hereafter be allowed to justices of the peace for similar services.

SEC. 7. In all cases in which the Police Judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the Police Judge may call in a Justice of the Peace residing in the city to act in his place and stead; or if there be no Justice of the Peace residing in the city, or if all those so residing are likewise disqualified, then he may call in any Justice of the Peace residing in the county.

SEC. 8. Appeals may be taken to the Superior Court of the county from all judgments of said City Police Court in like manner and with the like effect as in cases of appeals from justices' courts.

SEC. 9. All fines shall be paid into the city treasury.

Article V—Police Department.

SECTION 1. A Police Department is hereby created for the City of Watsonville. It shall consist of a Chief of Police who shall be elected at each general municipal election; he shall be ex officio Tax and License Collector.

SEC. 2. The Board of Aldermen shall have power to appoint additional police officers, who shall hold office during the pleasure of said board.

SEC. 3. The Chief of Police shall have command and control of the police force, subject to the general supervision of the Mayor. He shall have the power to suspend any policeman for disobedience of any lawful order, for violation of any of the rules of the department, neglect of duty, drunkenness, or other misconduct as a policeman, and he shall, upon suspending a policeman, promptly certify the fact, with the cause thereof, to the Mayor, who shall forthwith report the same, in writing, to the Board of Aldermen, which board shall have jurisdiction to try and determine all charges against members of the Police Department.

SEC. 4. The Chief of Police shall observe, and cause to be observed and enforced, all laws and ordinances within the City of Watsonville, and see that all lawful orders and process of the Board of Aldermen and the Police Court within said city are promptly executed. For the purpose of suppressing any riot, public tumult, disturbances of the peace, unlawful assembling, organized resistance to the law or public authority in the performance of their duties, or the arrest of persons for public offense, he shall have all the powers that now are or may hereafter be conferred upon Sheriffs, and all his lawful orders shall be promptly obeyed by the police officers. In addition to the powers and duties herein enumerated, the Chief of Police shall have such other powers and perform such other duties pertaining to the Police Department as may from time to time be conferred or imposed upon him by ordinance.

SEC. 5. The Chief of Police shall keep a public office, to be provided and furnished by the Board of Aldermen, which office shall be kept open day and night. The Chief of Police, and all policemen, shall devote their entire time to the discharge of their official duties, and shall not absent themselves from the city unless in pursuit of persons who have committed public offense within the limits of the city. If any member of the Police Department shall be absent from the City of Watsonville, upon any business not immediately connected with his duties in said department, unless granted leave of absence by the Board of Aldermen, he shall forfeit his salary for the time of such absence. Any policeman shall have the authority to execute the orders and process of the Police Court.

SEC. 6. No person shall be appointed to any position on the police force of the City of Watsonville unless he shall be a man of good moral character, or good reputation for honesty and sobriety, a citizen of the United States, and a resident and elector of the City of Watsonville for at least two years next preceding his appointment; nor shall any person be so appointed who has ever been convicted of felony, or who is unable to understand English, read and write the English language, or who is deficient in health, strength, or courage; and every appointee shall not be less than twenty-one years of age, and must, upon being appointed, but before entering upon the duties of his office, undergo such physical examination as the Board of Aldermen may from time to time prescribe.

SEC. 7. Except as otherwise in this charter prescribed, the Board of Aldermen, in making appointment of members of the police force, shall be guided solely by the fitness of the applicant, and no person shall ever be appointed to, or removed from such force for or on account of his political opinions. No member of the police force shall take any part whatever in any political caucus, or political convention, or be a member of any political club or committee, or take any part in any general or primary election, except to vote; and any officer or member of said department violating any of the provisions of this section shall be dismissed from the service of the city.

SEC. 8. No member of the police force shall be allowed to receive any money, gratuity, or compensation other than his salary, for any service which he may render as an officer, except rewards which have been publicly offered for the apprehension and conviction of criminals, and any member who shall violate this provision shall be dismissed from the department.

SEC. 9. The members of the police force shall promptly and fully obey, enforce, observe, and cause to be obeyed and observed, all lawful orders of their superiors, and all rules and regulations of the police department. They shall be prompt and diligent in the detection of crime, the arrest of public offenders, with or without a warrant, the suppression of all riots, affrays, and disturbances of the peace, in the abatement of nuisances, and in the enforcement of the laws and city ordinances. It shall be the duty of each member of the police force to acquaint himself with the provisions of this charter, with all the ordinances of the city, and with the laws of the State defining public offenses and regulating criminal proceedings.

SEC. 10. The Board of Aldermen shall have the power, and it is hereby made their duty to, from time to time prescribe such rules as they may deem necessary or proper for the regulation and government of the police department. Said board shall prescribe the badge of office, the uniform to be worn by the members of the force, and make such other or further regulations regarding the conduct of police officers as it may think necessary.

SEC. 11. In addition to the regular police force, the Mayor may, when in his judgment the circumstances require, appoint such number of special policemen as he may deem necessary for the safety of the city and its inhabitants. Such special policemen shall be appointed to serve for not exceeding two weeks, and shall receive the same compensation and perform the same duties as regular police officers. The Mayor may also, with the consent of the Board of Aldermen and upon the petition of any person, firm, or corporation, appoint at any time a special policeman for special service, to be paid for by such person, firm, or corporation as requires his services; *provided*, that the locality where such special policeman is to act shall be described in the warrant appointing him. All special policemen shall have the same power and discharge the same duties as regular police officers, be under the direction and control of the Chief of Police, and be subject to and obey all the rules and regulations of the Police Department.

The Chief of Police, as *ex officio* Tax and License Collector, shall collect all taxes, general and special, all city licenses, and all other branches of the city's revenue and all money due or payable to said city for whatever cause or from whatever source. He shall at all times keep proper books showing in detail the amount of money received; by whom; at what time and for what purpose paid; and the funds to which the same is apportioned. He shall also keep a book containing a record of every deed issued by him for or on account of said city, for real property sold by him for delinquent taxes. All such books shall at all times, when not in actual use, be open for public inspection. And he shall perform such other duties as may be required by this charter, the laws of this State, and the ordinances of this city.

Article VI—Fire Department.

SECTION 1. The Board of Aldermen are hereby authorized and directed to provide for the organization, maintenance and government of a Fire Department for the City of Watsonville.

Article VII—Health Department.

SECTION 1. There shall be a Health Department under the management of the Board of Health. Said board shall consist of five members, namely: The Mayor, who shall be *ex officio* a member and president of said board, the City Engineer, who shall be *ex officio* a member of said board, and three citizens who shall be appointed, without regard to their political opinions, by the Mayor, within fifteen days after the commencement of his term of office. The Mayor shall not have a right to vote unless in case of a tie. Each appointed member of the board shall be duly licensed physician in accordance with the laws of California, and a qualified elector of the city for two years immediately preceding his appointment; said member shall receive such compensation as the Board of Aldermen shall prescribe.

SEC. 2. The term of office for the members of the board shall be for two years, and until their successors are appointed and qualified, said term to commence upon the day of their appointment; *provided*, that those members first appointed shall so classify themselves by lot to allow that one of them shall go out of office at the end of one year, and two at the end of two years. If any appointed member fails to qualify within ten days after his appointment, such appointment shall be void, and a new appointment shall be made for the unexpired portion of the term of said member. Regular meetings of the Board of Health shall be held once a month, and special meetings when called by the president or any three members, and all meetings shall be public. Three members shall constitute a quorum.

SEC. 3. Said Board of Health, subject to the ordinances of this city, shall have supervision of all matters pertaining to the sanitary condition of the city and public institutions thereof. Full powers are hereby given to said board over all questions of foul or defective drainage and of the disinfection and sanitary cleaning of the streets, alleys, cellars, cesspools, sewers, nuisances of all descriptions, and low places within the city limits calculated to receive and retain unhealthy deposits.

SEC. 4. The Board of Health, within two weeks from the time of its organization, shall elect from among its members a City Physician, who shall also act as Health Officer and Secretary of the Board of Health. Said City Physician shall not be less than twenty-one years of age, a licensed physician for not less than two years, and actually engaged in the practice of his profession in said city. He shall hold his office during the pleasure of the Board of Health, and must see that the laws and ordinances

of the city in relation to the public health and the regulations and orders of the Board of Health are properly enforced. He shall keep a full record of all the transactions of the Board of Health, as well as all records appertaining thereto, and by himself or deputy issue all permits for burial. He shall have the powers of a police officer, and shall visit once in each quarter all public buildings and schoolhouses in said city. During such visits he shall examine the manner in which they are lighted, ventilated, and heated, and particularly as to their sanitary condition. The Health Officer shall promptly report in writing to the superintendents or governing authorities of all schools the name and residence of every person sick with cholera, smallpox, scarlatina, diphtheria, or any contagious diseases. Said superintendents, when so notified, must refuse admittance to the schools of any member of the household, one or more of whose inmates are sick of any of the aforesaid diseases. The person excluded shall be admitted on presenting a certificate from his or her attending physician or from the Health Officer that there is no longer any danger from contagion. The Health Officer shall vaccinate free of charge all indigent persons who may apply to him. He shall make an extended annual report to the Board of Health of the affairs pertaining to his office, including mortality and other statistics, with such observations and other recommendations in relation to the sanitary conditions of the city as he may deem proper. It shall be his duty to examine and inspect all nuisances, privies, vaults, cess-pools, buildings, and low places within the city limits, with a view to the enforcement of all the laws and regulations relating to sanitary matters, and to cause the arrest of and vigorous prosecution of persons violating any of said regulations.

SEC. 5. The Board of Health may cause to be removed to a smallpox hospital or pesthouse, any persons in said city affected with the smallpox, Asiatic cholera, bubonic plague, or yellow fever. When a case of either of these diseases exists in any house and the person so affected is not removed to said hospital or pesthouse the Health Officer, upon order of said Board of Health, shall immediately place a quarantine flag on said premises, and may place a competent person in charge thereof, who shall see that the quarantine is strictly enforced so long as public safety requires.

SEC. 6. The board may proclaim such quarantines and declare such quarantine districts and grounds and the boundaries thereof as may in their judgment be necessary for the preservation of the public health.

SEC. 7. No person shall deposit in any cemetery the body of any human being who has died within the city, nor remove the same from within the limits of the city, without having first obtained and filed with the Health Officer a certificate signed by a physician or Coroner setting forth, as nearly as possible, the name, age, sex, color, place of birth, occupation, date, and locality, and cause of death of deceased, and obtain from the Health Officer a permit in writing therefor for the burial or other purposes. Physicians, when death occurs in their practice, must give the certificate herein mentioned, unless the physician believes the death to be a proper case for investigation by the Coroner. No body of a human being who has died within or without the limits of the city, and no body or remains of a deceased person, exhumed or taken from any grave, vault, or other place of burial, or deposit within or without the city, shall be transported in or through the streets or highways of the city unless the person or persons transporting such body or remains, shall first obtain from the health officer a permit in writing therefor, which shall accompany the body or remains. The provisions of this section shall not be construed to apply to the transportation of bodies from other places on railroads through the city.

SEC. 8. In addition to the powers and duties in this article enumerated, the board shall have such other powers and perform such other duties as may be prescribed by ordinance of the Board of Aldermen, or by general law. Every member of the Board of Health may administer oaths on matters connected with the Health Department.

Article VIII—Elections.

SECTION 1. Elections to be held in said city for the purpose of electing officers of said city, and for all other purposes, are of two kinds:

First—General municipal elections.

Second—Special municipal elections.

SEC. 2. General municipal elections shall be held biennially, on the second Monday in May, commencing with the second Monday in May, 1903.

SEC. 3. At each general election there shall be elected a Mayor, four members of the Board of Aldermen (one from each ward), a City Clerk (who shall be ex officio City Auditor and City Assessor), a City Treasurer, a Chief of Police (who shall be ex officio Tax and License Collector), and a Police Judge. (At the first general election held under the provisions of this charter, eight Aldermen shall be elected—two from each ward.)

SEC. 4. The non-elective officers of said city shall consist of a City Engineer (who shall be ex officio Superintendent of Streets and Superintendent of Sewers), and a City Attorney, and such other officials as the Board of Aldermen may deem it expedient to appoint.

SEC. 5. Any person shall have the right to vote at any general or special municipal election who has the qualifications prescribed by law for an elector at general, State, and county elections, and who shall be properly enrolled on the last printed great register of the county; any elector whose name is not upon such printed register shall be entitled to vote upon filing with the board of electors a certificate under the hand

and seal of the County Clerk showing that his name is registered and uncanceled upon the great register of the county; *provided*, he is otherwise entitled to vote.

SEC. 6. All general and special municipal elections shall, in all respects as nearly as possible, be held and conducted in accordance with the provisions of the law of the State for the holding of general elections in effect at the time, and the Board of Aldermen shall make all necessary arrangements for holding said election in accordance therewith.

SEC. 7. The Board of Aldermen of said city shall, by ordinance, order the holding of elections. Such ordinance shall specify the objects, time of, and the place or places within each ward for holding such election, and the names of the election officers for each precinct to conduct such election. Said ordinance shall be published in some newspaper printed and published in said city, by at least three insertions before the time appointed for the holding of the election.

SEC. 8. Returns of all elections shall be made to the Board of Aldermen, who shall, within five days thereafter, either at a regular or special meeting, and in accordance with the laws of the State, canvass the returns, and declare the result thereof, and order certificates of election to be issued by the City Clerk to the persons so declared elected.

SEC. 9. The officers elected at a general municipal election shall, after they have qualified as provided in this charter, enter upon the duties of their respective offices at the next Monday succeeding their election at twelve o'clock *m.*, and shall hold office for the term of two years and until their successors are elected and qualified; *provided*, Aldermen are to hold office for four years.

SEC. 10. In establishing election precincts, the Board of Aldermen shall make them correspond with the wards into which the city is divided; *provided*, that the Board of Aldermen may divide any ward into two or more precincts.

SEC. 11. The certificate of election issued by the City Clerk must be authenticated with the seal of the city and attested by the City Clerk.

Article IX—Taxation and Revenue.

SECTION 1. The Board of Aldermen shall have full power and authority to assess and levy, and collect taxes upon all taxable property in the city; *provided*, the maximum rate of taxation, except as otherwise herein provided (for all municipal purposes) shall not exceed in any one year eighty-five cents upon each one hundred dollars valuation of property assessed, exclusive of the amount necessary to pay the principal and interest on the bonded indebtedness of the city. Said maximum rate of eighty-five cents shall include the library fund.

SEC. 2. The Board of Aldermen shall have power, and it is hereby made its duty, to provide by ordinance a system for the assessment, equalization, levy, and collection of all city taxes. All sales and conveyances of property made and executed for the non-payment of delinquent taxes shall have the same force and effect as when made and executed for the non-payment of delinquent taxes levied for state and county purposes. Said taxes so levied shall be a lien against the property assessed, and said lien shall attach as of the first Monday of March, at twelve o'clock *m.* of each year. Every tax upon personal property shall be a lien upon the real property of the owner thereof.

SEC. 3. Whenever the Board of Aldermen shall determine that the public interest requires the construction or acquisition or completion of any municipal improvement or public utility, the cost of which would be too great to be paid out of the ordinary income and revenue of the city, they are hereby given the power and authority to call a special election and submit to the qualified voters of the city the proposition of incurring indebtedness to pay the cost of such improvement or public utility as set forth in said ordinance, and proceed therein as provided in section eighteen of article eleven of the Constitution of the State, and the general law; *provided*, that such indebtedness shall not bear more than five per cent interest per annum and that no bond issued therefor shall be sold for less than par value, and to the highest bidder, after advertising for sealed proposals.

Article X—Public Utilities.

SECTION 1. The Mayor and Board of Aldermen shall fix and determine annually just and reasonable rates of compensation to be collected by any person, firm, company, or corporation in the City of Watsonville for the use of water supplied to the city or the inhabitants thereof. To fix and determine annually just and reasonable rates of compensation to be collected by any person, firm, company, or corporation in the City of Watsonville for lighting the streets, alleys, public buildings, and public grounds of the City of Watsonville, or for furnishing lights to the inhabitants thereof.

SEC. 2. The Board of Aldermen shall have power to construct, purchase, lease, own, acquire, control, maintain, and operate a system for supplying the city and its inhabitants with water; also a system of lighting the streets, alleys, public buildings, and public grounds, and to operate a system of lighting by artificial gas, natural gas, electricity, or other means of illumination, and furnish the same to the inhabitants of said city; *provided*, however, no such construction, lease, or purchase shall be made unless first authorized by a vote of two thirds of the electors voting at any general or special election at which the proposition may be submitted.

SEC. 3. The Board of Aldermen shall have power to determine and declare what are public uses and public utilities; when the necessity exists to condemn lands therefor

and what land it is necessary to condemn; may construct, acquire, purchase, own, manage, and operate any property that said Mayor and Board of Aldermen may determine and declare to be a public use or public utility; may receive gifts, bequests and donations of all kinds of property within or without its corporate limits, in fee simple or in trust, for charitable or other lawful purposes, and do all acts necessary to carry out the purpose of said gifts, bequests, and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest, or trust.

Article XI—Improvement of Streets.

SECTION 1. An Act of the Legislature of the State of California entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March eighteenth, eighteen hundred and eighty-five, as since amended and as herein amended, is hereby adopted as part of this charter and shall have the same force and effect as if incorporated at length herein, except where the provisions of said Act conflict or are inconsistent with the provisions of this charter; and no repeal of said Act shall affect its applicability to the City of Watsonville.

SEC. 2. The Board of Aldermen, with the approval of the Mayor, may order any street, lane, or alley to be improved in any manner provided for in the above named Act, whether a majority of the property owners whose property fronts on such street, alley, or lane desire said improvement or not; but no street, alley, or lane may be so improved against the will of said property owners or the owners of a majority of the property fronting on said street, alley, or lane where the cost of such improvement shall exceed one dollar per front foot for each side of said street, alley, or lane.

SEC. 3. An Act of the Legislature of the State of California entitled "An Act to provide for laying out, opening, extending, widening, straightening, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities, and to condemn and acquire any and all land and property necessary or convenient for that purpose," approved March sixth, eighteen hundred and eighty-nine, and any Acts amendatory thereof or supplemental thereto now or hereafter made are hereby adopted as a part of this charter, and shall have the same force and effect as if incorporated at length herein, except where the provisions of said Act or Acts conflict or are inconsistent with the provisions of this charter; and no repeal of such Act shall affect its applicability to the City of Watsonville.

Article XII—Parks.

The Board of Aldermen are hereby authorized and directed to provide for the maintenance of public parks.

Article XIII—Library.

SECTION 1. The Board of Aldermen shall have the power to create and maintain a library, to be known as the City of Watsonville Public Library, which shall be free of access to all citizens and residents of the City of Watsonville, subject to such rules and regulations for the government and management thereof, as may at any time be adopted by the board of directors of said library, hereinafter provided. All persons outside the city limits shall have access to the library, under such regulations, and upon paying such sums, as the Board of Aldermen may determine.

SEC. 2. The board of directors shall determine annually the amount of money required for the support and maintenance of the public library, and for the carrying into effect all the provisions of law in reference thereto, and shall submit in writing to the Board of Aldermen a careful estimate of all the money required from the city for the above purposes, and the Aldermen may each year fix a sufficient percentage of taxes to be levied and collected on the taxable property in the City of Watsonville, not to exceed ten cents on each one hundred dollars of the value of all real and personal property of said city as assessed for city purposes, for the purpose of establishing and maintaining said library, and purchasing or leasing such real or personal property, books, papers, publications, furniture, and fixtures, and erecting such buildings as may be necessary therefor. No indebtedness exceeding the amount of the annual levy for this purpose shall be incurred in any one year, provided this limitation shall not be construed to prevent the incurring of permanent improvements to be liquidated by the process of municipal bonds issued by the City of Watsonville in accordance with the general laws of the State for the purpose of defraying the cost of such improvement.

SEC. 3. The Mayor, by and with the consent of the Board of Aldermen, shall appoint a board of not less than three, or more than five, directors for said library, who shall serve without compensation, and be known as the "Board of Directors of the City of Watsonville Public Library," and shall be chosen from the citizens at large, male or female. Such directors shall hold office for two years; and thereafter, the Mayor, by and with the consent of the Board of Aldermen, shall appoint, as before, directors to take the place of the retiring directors, who shall hold office for two years, or until their successors are appointed and qualified. Any vacancy occurring shall be filled by the Mayor, by and with the consent of the Board of Aldermen, for the balance of the unfinished term.

SEC. 4. Said directors shall, immediately after appointment, meet and organize by electing a president from one of their own number. The Librarian shall be clerk of the board, and shall keep a record of their proceedings.

SEC. 5. The board of directors shall have the power to make and enforce such by-laws, rules and regulations as may be necessary for the administration, government, and protection of such library, reading-room, and property, to appoint a Librarian and necessary assistants and to fix their salaries, subject to the approval of the Mayor and Board of Aldermen, and to remove them; to control and order expenditures of all moneys at any time in the library fund, and order the drawing and payment of all moneys, except for salaries, of said fund for such expenditures and liabilities as herein authorized.

SEC. 6. The board may exclude from the use of such library and reading-room any and all persons who shall violate the rules and regulations of the board.

SEC. 7. The Board of Aldermen shall have the power to pass ordinances imposing punishment of persons committing injury upon such library or the grounds, or the property therein, and for injury to or failure to return any book belonging to such library.

Article XIV—Franchises.

SECTION 1. No exclusive franchise or privilege and no special privilege shall be granted for any purpose.

SEC. 2. No application for a franchise shall be considered by the Board of Aldermen unless the application shall be accompanied with the sum of three hundred dollars, which sum shall be returned to the applicant in the event that the Board of Aldermen shall determine that neither the public necessity nor the public interest requires the granting of the franchise. If, however, the Board of Aldermen shall determine that the public necessity or the public interest requires the granting of the franchise, then the said sum of three hundred dollars shall be retained by the city in full for all costs of advertising and other preliminary expenses connected with the offering for sale of such franchise and the granting of the same.

SEC. 3. In granting a franchise the Board of Aldermen shall impose such lawful conditions, restrictions, and limitations as may best subserve the public interest and welfare.

SEC. 4. In granting of franchises the Board of Aldermen shall be governed by the general law of the State in force at the time, which is hereby declared to be, and is hereby made, a part of this charter so far as it is or may be applicable to the class of cities to which this municipality may belong.

Article XV—Miscellaneous.

SECTION 1. All officers of the City of Watsonville, whether elected or appointed, shall within ten days after notice of their election or appointment, take and subscribe the following oath of office, which shall be filed with the City Clerk:

"I (here insert name) do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and that I will perform the duties of the office of (here insert name of office) as prescribed by law, to the best of my ability. So help me God."

SEC. 2. The fiscal year of the City of Watsonville shall commence on the first day of July of each year and end on the last day of June of the succeeding year.

SEC. 3. Whenever there shall be presented to the Board of Aldermen a petition signed by qualified electors of the city, whose names appear on the last printed great register, equal in number to twenty-five (25) per centum of the votes cast in the city at the last preceding general municipal election, asking that an amendment or amendments to this charter to be set out in such petition, be submitted to the electors, the Board of Aldermen must, by ordinance, submit the same to the qualified electors of the city at the next general or special election, held at least forty days after the publication of such proposed amendment or amendments, for at least three insertions in some newspaper of general circulation in the city. The signatures to the petition need not all be appended to one paper. Each signer shall add to his signature his place of residence, giving the street and number, one of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements made therein are true, and that each signature of such paper appended is the genuine signature of the person whose name purports to be thereto subscribed. The Board of Aldermen must make all necessary provision for submitting the proposed amendment or amendments to the electors, and shall canvass the vote in the same manner as in other cases of election. The tickets at such election shall contain the words: "For the amendment" (stating the nature of the proposed amendment), and "Against the amendment" (stating the nature of the proposed amendment). If three fifths of the qualified electors, voting upon such amendment or amendments, shall be in favor of the adoption thereof, the Board of Aldermen shall, within thirty days after the time of such election, proclaim such fact, and upon the same being approved by the Legislature, in the manner now provided for the approval of this charter, the same shall be amended accordingly.

SEC. 4. No officer of such city shall be interested, directly or indirectly, in any contract with such city, or with any of the officers thereof in their official capacity, or in doing any work or furnishing any supplies for the use of such city, or its officers in their official capacity; and any claim for compensation for work done, or supplies or materials furnished, in which any officer is interested, shall be void, and if audited and allowed shall not be paid by the Treasurer. Any willful violation of the provisions of this section shall be a ground for removal from office, and shall be deemed a misdemeanor, and punished as such.

SEC. 5. If any elective or appointive officer of the city shall die or remove from the city, or shall absent himself from the city for more than thirty-five days without the consent of the Board of Aldermen, or shall fail to qualify by taking the oath of office or filing his official bond within ten days of the time he receives his certificate of election or appointment, or if he shall resign, or be convicted of a misdemeanor connected with the performance of his official duties, or be convicted of a felony, or adjudged insane, or absent himself from his office for more than thirty-five days without the consent of the Board of Aldermen, his office shall thereupon be declared vacant by the Board of Aldermen, if the office is an elective one, and by the Mayor, if the office is an appointive one; and the vacancy shall thereupon be filled by the Board of Aldermen if the office is an elective one, and by the Mayor, with the approval of the Board of Aldermen, if the office be an appointive one, unless otherwise provided for in this charter.

SEC. 6. This charter shall take effect at the hour of twelve m. on Monday, May eighteen, nineteen hundred and three.

SEC. 7. The Board of Trustees of the present City of Watsonville shall provide for the holding of the first election of officers under this charter, which said election, if possible, shall be held on Monday, May eleven, nineteen hundred and three.

SEC. 8. In all matters pertaining to municipal affairs, concerning which special provision is not made in this charter, the general laws of the State in force at the time are hereby declared to be, and shall be, a part of this charter, so far as the same are or may be applicable to the class of cities to which this municipality may belong.

SEC. 9. All demands against the city shall be presented to and audited by the Board of Aldermen, in accordance with such regulations as they may, by ordinance, prescribe.

SEC. 10. The Board of Aldermen shall meet at their usual place of holding meetings on the second Monday of August of each year, at ten o'clock a. m., and sit as a Board of Equalization, and shall continue in session from day to day until all the returns of the Assessor have been rectified. They shall have power to hear complaints, and to correct, modify, and strike out any assessment made by the Assessor, and may, of their own motion, raise any assessment, upon notice to the party whose assessment is to be raised. The corrected list for each tax shall be the assessment roll for said tax for said year. It shall be certified by the City Clerk, who shall act as clerk of the Board of Equalization, as being the assessment roll for said tax, and shall be the assessment roll upon which tax is to be levied in said year. In case there are no bidders for property sold for delinquent city taxes, the same shall be sold to the city.

SEC. 11. All officers designated by the Board of Aldermen shall, respectively, before entering upon the duties of their respective offices, each execute a bond to the city in such penal sum as the Board of Aldermen may determine, conditioned for the faithful performance of duties, including in the same bond the duties of all ex officio offices. All bonds when approved by the Board of Aldermen shall be filed with the Clerk, except the bond of the Clerk, which shall be filed with the Mayor. All the provisions of any law of this State relating to the official bonds of officers shall apply to such bonds, except as herein otherwise provided.

SEC. 12. All elective officers of the city shall be qualified electors of the city at the time of their election.

Certificate.

BE IT KNOWN that the City of Watsonville, a city containing a population of more than three thousand five hundred inhabitants, on the fifteenth day of April, one thousand nine hundred and two, at a special municipal election, held on that day, and city, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California, did elect a board of fifteen freeholders to prepare and propose a charter for said city; and that we, members of said board, in pursuance of said provisions of the Constitution, and within the period of ninety days after such election, have prepared and do propose the foregoing, consisting of fifteen articles, as and for the charter of the City of Watsonville.

In witness whereof, we have hereunto set our hands this tenth day of July, in the year of our Lord one thousand nine hundred and two.

(Done in duplicate.)

EDWARD FRANCIS WYCKOFF, President.
JOHN JACOB MOREY.
NAT GREEN.
WILLIAM HENRY WEEKS.
OTTO DOMONICK STOESSER.
FREDERICK PETERSON KROUGH.
JOHN PETER KNUDSEN.
WILLIAM HENRY PAWLEY HILL.
JAMES SIDNEY MENASCO.
HENRY CLARK PECKHAM.
CHESLEY STOW.
OWEN SUMMERFIELD TUTTLE.
CHARLES SMITH.
EDWARD McCABE, Secretary.

The Office of the President of the Board of Trustees of the City of Watsonville. }
In the City of Watsonville, County of Santa Cruz, State of California. }

I, W. A. Trafton, President of the Board of Trustees of the City of Watsonville, County of Santa Cruz, State of California, do hereby certify that the board of freeholders whose names appear signed to the foregoing proposed charter were, on the fifteenth day of April, nineteen hundred and two, at a special municipal election held in said city on said day, duly elected by the qualified voters of said city to prepare and propose a charter for said city; that each of said freeholders had been a qualified elector and freeholder of said city for more than five years previous to said election; that the foregoing is a true copy of said charter prepared and returned to me as President of said Board of Trustees within ninety days after said election, as required by section eight of article eleven of the Constitution of this State; that such proposed charter was then published in one daily newspaper of general circulation in said city to wit: The Watsonville Daily Register (said city containing a population of over thirty-five hundred inhabitants and less than ten thousand inhabitants), for more than twenty days, and that the first publication of said proposed charter was made within twenty days after the completion of said charter; that within not less than thirty days after the publication of said charter, as required by said section eight, to wit: on the thirtieth day of August, nineteen hundred and two, said charter was submitted to the qualified electors of said city at a special election duly held therein for the purpose of ratifying or rejecting said proposed charter. That said proposed charter as a whole was duly ratified at said election by the majority of the votes of the qualified electors of said city, and that the returns of said election were duly canvassed by the Board of Trustees of said City of Watsonville on the second day of September, nineteen hundred and two, and the result thereof declared as above set forth, and that in all manners and things pertaining to said proposed charter the provisions of said section have been fully complied with.

In witness whereof, I have hereunto set my hand and affixed the corporate seal of said city, this fifth day of January, nineteen hundred and three.

{ CORPORATE }
{ SEAL. }

W. A. TRAFTON,
President of the Board of Trustees
of the City of Watsonville.

Attest: S. W. COFFMAN, City Clerk.

Now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring (the majority of all the members elected to each house voting for and concurring herein), That said charter of the City of Watsonville as presented to, and adopted and ratified by, the qualified electors of said city, be and the same is hereby approved as a whole, for and as the charter of said City of Watsonville aforesaid.

Concurrent resolution read.

The question being upon the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 4 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Curtin, Devlin, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Oneal, Plunkett, Walston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, and Wolfe—25.
NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

Senate Bill No. 443—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out period after the word "held," in line twenty-four, page two of the printed bill, and inserting in lieu thereof a semicolon, and adding the words "or in a weekly paper published in the county for two successive weeks prior to the election."

USE OF SENATE CHAMBER GRANTED TO COMMITTEE ON LABOR AND CAPITAL.

Senator French asked for and was granted unanimous consent of the use of the Senate chamber for an open meeting of the Committee on Labor and Capital, to be held Thursday evening, February 12, 1903.

ADJOURNMENT.

At three o'clock and thirty minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 12, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 11, 1903, the further reading was dispensed with, on motion of Senator Curtin.

APPROVAL OF JOURNAL.

The Journal of Monday, February 9, 1903, having been corrected, was read and approved.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 11, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 17—An Act amending the Civil Code of the State of California by adding thereto a new section, numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation, owning any railroad in this State, of its property and franchises, or any part thereof, to any railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and describing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Also: Amended, and passed as amended, Senate Bill No. 188—An Act to amend Sections 3, 4, 6, 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

CLIO LLOYD, Chief Clerk.
By FRED W. HEATHERLY, Assistant.

Senate Bill No. 17 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 188?"

ASSEMBLY AMENDMENTS.

Amend as follows: By adding after the word "Board" in line thirteen, page one, printed bill, the words "may if it deem it to be for the good of such fire department or."

Also, by striking out from lines fourteen and fifteen, page two, printed bill, the words after "person" as follows: "or at its discretion without such application may" and insert therein instead the words "providing he shall have attained the age of sixty years."

Also, to amend by adding to line sixteen, page two, printed bill, the word "active" before "service."

Also, line nineteen, page three, printed bill, by inserting the words "such mother and father" after the word "of," and by striking out the word "them" after the word "of."

Also, to amend by inserting after the word "town" in line four, page three, printed bill, the words "in active service."

Also, by inserting after the word "them" in line ten of section seven, page three, printed bill, the words "such mother and father," and by striking out the word "them" in line ten, section seven, page three, printed bill.

The roll was called, and the Assembly amendments to Senate Bill No. 188 concurred in by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Diggs, Flint, French, Hubbell, Lardner, Lukens, Nelson, Pendleton, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—22.
NOES—None.

Senate Bill No. 188 ordered to enrollment.

RESOLUTION.

The following resolution was offered:

By Senator Knowland:

Resolved, That the name of Senator Savage be substituted for that of Senator Knowland in the resolution of Tuesday, February 10th, by Senator Bauer, authorizing certain members of the Senate to visit certain institutions designated in said resolution.

Resolution read and adopted.

LEAVE OF ABSENCE.

Senator Bauer was, on motion of Senator French, granted leave of absence for the day.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 12, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 208—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Senate Bill No. 319—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

Also: Senate Bill No. 468—An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

Have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

WOODWARD, Chairman.

Senate Bills Nos. 208, 319, and 468 ordered on file.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, February 11, 1903.

MR. PRESIDENT: Your Committee on Code Revision hereby reports and introduces herewith a substitute for Senate Bill No. 433, heretofore introduced by it.

SELVAGE, Chairman.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Smith: Senate Bill No. 580—An Act to amend Section 1670 of the Political Code, relating to high schools.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 581—An Act to amend Section 1663 of the Political Code of the State of California, defining the number of grades or years which constitute the primary, grammar, and high schools.

Bill read first time, and referred to Committee on Education.

By Senator French: Senate Bill No. 582—An Act to appropriate the sum of \$10,000 for the purpose of equipping the attic of the State Capitol with automatic fire-sprinkler protection, and providing necessary water supplies for same.

Bill read first time, and referred to Committee on Finance.

By Senator Selva: Senate Bill No. 583—An Act to amend Section 3805a of the Political Code, which amendment relates to the cancellation of assessments on State school lands, certificates of tax sales and tax deeds issued thereon, where a judgment or decree of court foreclosing the certificate of purchase thereon has been given and entered.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 584—An Act in relation to the State School lands of this State, amending and revising Sections 3546, 3547, 3548, 3549, 3550, and 3551; repealing Sections 3552, 3553, 3554, 3555, and 3556 of the Political Code, and repealing an Act approved March 7, 1881 (Statutes of 1881, page 65), entitled "An Act entitled an Act to enable purchasers of State lands to redeem the same, where their titles have been or may hereafter be foreclosed for non-payment of interest."

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 585—An Act to amend Section 1242 of the Civil Code, relating to homesteads of married persons.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caldwell: Senate Bill No. 586—An Act to amend Section 1375 of the Political Code, relating to primary elections.

Bill read first time, and referred to Committee on Elections and Election Laws.

By Senator Leavitt: Senate Bill No. 587—An Act to protect the lives and property of the traveling public and the employes of the railroads in the State of California.

Bill read first time, and referred to Committee on Labor and Capital.

Also: Senate Bill No. 588—An Act to amend the Code of Civil Procedure of California by adding a new section thereto, to be known as Section 1514, relating to the closing of estates of decedents when allowed and approved claims are unpaid and the claimant cannot be found, declaring when such claims shall escheat to the State, and defining the duties of the County Treasurer, State Controller, and State Treasurer in relation thereto.

Bill read first time, and referred to Committee on Judiciary.

By Senator Woodward: Senate Concurrent Resolution No. 12—Approving the Charter of the City of Santa Rosa in Sonoma County, California, which was voted for by the qualified electors of said city, at a general election held therein for the purpose, among other things, of ratifying said charter, on the second day of April, 1902.

Referred to Committee on Municipal Corporations.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

The Senate proceeded to consider the daily file.

WITHDRAWAL OF BILLS.

Senator Caldwell asked for and was granted unanimous consent to withdraw Senate Bill No. 220—An Act to amend the municipal corporation bill entitled "An Act to provide for the organization, incorporation,

and government of municipal corporations," and approved March 13, 1883, so as to change the time of beginning the assessment in cities of the sixth class—and substitute therefor on file Senate Bill No. 104—An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President or Vice-President of the United States, the Governor of any State or Territory, any United States Justice or Judge, or the Secretary of any Executive Department of the United States, a felony; and providing a penalty therefor.

Senate Bill No. 220 withdrawn and ordered stricken from the file, and Senate Bill No. 104 substituted therefor.

Senate Bill No. 104—An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President or Vice-President of the United States, the Governor of any State or Territory, any United States Justice or Judge, or the Secretary of any Executive Department of the United States, a felony; and providing a penalty therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 104 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Devlin, Diggs, Flint, French, Hubbell, Knowland, Lardner, Luchsinger, Nelson, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 14—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection which has heretofore been, or which may hereafter be, authorized by said United States to be paid to said State as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Read third time on a previous day.

Senator Lardner moved that a special committee of one, consisting of Senator Selvage, be appointed to amend Senate Bill No. 14, in accordance with the recommendation of the Committee on Finance, viz: To

amend by substituting for the original bill the substitute of the Finance Committee, as follows:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 14.

An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States, existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining their duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The appointment of James E. Hale and Thomas M. Nosler as agents of the Governor on behalf of the State of California, made in pursuance of an Act of the Congress of the United States passed on the 27th day of July, 1861, and entitled "An Act to indemnify the States for the expense incurred by them in defense of the United States," and also in pursuance of Senate Concurrent Resolution No. 36, adopted by the Legislature of the State of California on the 1st day of March, 1872, which authorized the Governor of said State to appoint said agents; and also the reappointment of said agents for said purposes made under and in pursuance of said Act of Congress and "Senate Concurrent Resolution No. 12, relative to the payment of claims for the transporting and equipment of troops," adopted by said Legislature on February 26, 1881, together with the resolutions under which said appointments and reappointments were made, be, and the same are hereby ratified and confirmed.

SEC. 2. The said Thomas M. Nosler, one of the said agents appointed by the Governor as aforesaid, on the said 15th day of March, 1872, under and in pursuance of said Act of Congress and Senate Concurrent Resolution No. 36, and reappointed as such agents by said Governor on said 1st day of March, 1881, under and in pursuance of said Act of Congress and Senate Concurrent Resolution No. 12, and George M. Hawley, the duly qualified and acting administrator of the estate of said James E. Hale, deceased (the said James E. Hale being the other of said agents appointed and reappointed by said Governor at the same times with the said Thomas M. Nosler in pursuance of the same Act of Congress and resolutions and for the purposes aforesaid), be, and they are hereby, as agents as aforesaid, authorized, and it is hereby made their duty to demand, prosecute to collection, recover, and receive except as hereinafter provided from the United States Government any and all sums of money which were expended or advanced by the said State in aiding to suppress the said insurrection against the United States including all costs, charges, and expenses properly incurred or paid by said State for enrolling, clothing, supplying, arming, equipping, and transporting its troops employed in aiding to suppress the said insurrection, and all advancements and payments made by said State for any of the purposes aforesaid, including bounties, payments, and advancements of every kind and nature awarded to the said State by the United States by the aforesaid Act of Congress, adopted July 27th, 1861, or which have been or may hereafter be awarded to the said State by any other or any Act or Acts of Congress heretofore, or hereafter to be, passed, for money advanced, disbursed, paid, laid out, or expended by said State for the benefit of the United States for any or all of the purposes aforesaid, together with any and all interest thereon; that said agents are hereby further authorized to receipt for any sum or sums so collected and to give and deliver due and proper acquittances therefor.

SEC. 3. The compensation of said agents for collecting and recovering the said money due or to become due upon claims of the State as aforesaid, shall be twenty-five (25) per cent of such sum or sums as may be recovered by said agents, or other person or persons collecting the same between the passage of this Act and the 31st day of December, A. D. 1904; *provided, however*, that the State shall in no event be, or become, liable for any expense, fees, salaries, or costs, of any nature whatever, other than such contingent commission of twenty-five (25) per cent.

SEC. 4. Whenever any money shall be collected from the United States for the said State by the said agents or either of them, under the authority given by the provisions of this Act, it shall be the duty of such agents, within thirty (30) days thereafter, to pay the amount of said money so collected to the Governor of the State of California, who shall thereupon deduct therefrom and pay to the said agents their commission of twenty-five (25) per cent thereof provided in this Act, and the residue of the amount so

collected, after the deduction of said twenty-five (25) per cent, shall be, by said Governor, immediately paid into the treasury of said State.

SEC. 5. The provisions of this Act so far as the appointment of the said Thomas M. Nosler and the said George M. Hawley shall take effect and be in full force and operation immediately on the passage of this Act, but their active participation in the prosecution, collecting and receiving of said principal sum of money mentioned in this Act, from the said United States for the State of California shall be suspended and held in abeyance from the passage of this Act until the 31st day of December, 1904; *provided, however*, it shall be their duty on the request of the Governor or the Controller of this State to place at their disposal and use any and all of the data, printed matter, classified and tabulated lists of items showing the sums of money due the State of California from the United States now in the possession or under the control of said agents; *and provided further*, that in consideration of the appointment of said Thomas M. Nosler and the said James E. Hale by the former Governor of the State of California, and in pursuance of the Senate Concurrent Resolution heretofore mentioned appointing said parties as agents under said Act of Congress of July 27, 1861, heretofore referred to, and in consideration of the many years of faithful service rendered under said appointment and contract and the money expended in preparing data, printed matter, classified and tabulated lists of items showing the sums of money due the State of California from the United States, if any money or moneys contemplated and provided for in this Act shall be collected from the United States between the passage of this Act and the 31st day of December, 1904, by the Governor of this State or the Controller of this State, then in that event the said agents, Thomas M. Nosler and George M. Hawley, shall be entitled to receive and it shall be the duty of the Governor of the State of California or the Controller of said State to pay to said agents their commission of twenty-five (25) per cent of all sums of money received from the United States as compensation for said services; *and provided further*, that the provisions of sections six (6) and seven (7) of this Act shall apply to and be operative in the distribution of any commissions received by said agents, Thomas M. Nosler and George M. Hawley, or that they may be entitled to receive for any moneys collected from the United States in pursuance of this Act between the date of the passage of this Act and the 31st day of December, 1904, in pursuance of the provisions of section five (5) of this Act; *provided further*, that no authority is given by this Act to any State officer of this State to accept in compromise from the United States Government less than the full amount claimed to be due, without the written consent of said agents; *provided further*, that the agency and appointment herein created shall not be construed to extend beyond a period of fifteen years from and after the passage of this Act.

SEC. 6. If the appointment of the said Thomas M. Nosler and James E. Hale as such agents shall hereafter be held to have been invalid or made without authority of law, or if the right of the said Thomas M. Nosler and the said George M. Hawley, or either of them, to act as such agents or agent, under the said appointments and the provisions of this Act, shall be, judicially or otherwise, effectually denied, or if, for any cause, the said position or office of either or both of said agents shall become vacant, the Governor of this State, for the purpose of carrying out the provisions of this Act according to its intent, shall have the power, and it is hereby made his duty, to reappoint said Thomas M. Nosler and said George M. Hawley as such agents, or to appoint any other suitable and competent person or persons to fill the said position or positions, and the agents or agent thus appointed by the Governor shall have authority, and it shall be his or their duty to exercise all the powers hereinabove provided for, and as agents, as aforesaid, to make the collections hereinabove named except as provided in section 5 of this Act and pay the amounts collected to the Governor, as hereinbefore prescribed. The compensation herein provided for the collection of the said amounts from the United States Government as aforesaid, in case of vacancy and appointment of other agents as aforesaid, shall be distributed among the several agents heretofore appointed by the Governor under and in pursuance of said resolutions, and those who may hereafter be appointed as their successors under this Act, in proportion to the amount and value of labor performed by each respectively, which proportion, in case of disagreement between the parties entitled thereto, under the provisions of this Act shall be determined, in an appropriate action, by the Superior Court of the State of California, in and for the County of Sacramento, or by the Superior Court held in any other county of the State to which the parties interested may agree to submit the same, or to which the same may be transferred by the court in which it may be pending.

SEC. 7. The said commission of twenty-five per cent on all money collected, as herein provided for, from the Government of the United States shall be paid to and retained by the persons who are the duly appointed and acting agents of the Governor for that purpose at the time said collections, or any of said collections, are made, unless the action hereinafter prescribed and heretofore mentioned shall be commenced and prosecuted as hereinafter directed. The action hereinabove mentioned may be commenced and prosecuted against the agent or agents actually making any collection or collections from the Government of the United States under the provisions of this Act, by any person or persons (other than the agent or agents actually making said collection) who may have been appointed by the Governor as an agent as hereinbefore specified and recited for the collection of said money, and whose agency had ceased before the time the collection was made upon which commissions are claimed. Said action may be commenced and prosecuted against the agent or agents collecting

said money from the United States, for the purpose of determining the respective amount or amounts of said commission to which the several agents theretofore appointed by the Governor, as herein specified and recited, are respectively entitled; all persons theretofore appointed by the Governor as agents, as aforesaid, shall be proper parties to said action, and all of them, except the plaintiff or plaintiffs, may be joined therein as defendants in said action, or may, within the time hereinafter prescribed, intervene therein. The agent or agents actually making any collection or collections from the Government of the United States under the authority conferred by this Act, shall within five days after the money so collected has actually been paid to him or them, notify all persons previously appointed, and whose authority as such has ceased, as hereinabove provided, of the collection of said amount or amounts, by sending to the latter, and to each of them, a letter, addressed through the postoffice to their last known and respective places of residence, in which said letter the amount and date of said collection shall be stated. Service of said notice shall be deemed completed as soon as the said letter is deposited in any of the post-offices of the United States, addressed as aforesaid, and proof of said deposit shall be made by affidavit of the person making said deposit, showing that the same was so deposited, and the date of thus depositing the same. The action hereinabove provided for must be commenced within twenty days after the service of said notice by the agent or agents making said collection, and, in case of failure on the part of former agents claiming a portion of the commission or commissions upon the money so collected to commence said action within the time above mentioned, the whole of said commission shall be paid to the agent or agents actually collecting or receiving said money from the Government of the United States, except as provided in Section 5 of this Act, and shall thereafter belong absolutely to them.

SEC. 8. This Act shall take effect and be in force from and after its passage.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 12, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 14, with instructions to amend, respectfully reports the same back, amended as per instructions.

SELVAGE, Committee.

Report adopted.

The substitute, previously printed, was read and adopted.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 14 passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 12, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 369—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Committee Substitute for Senate Bills Nos. 261, 307 and 317—An Act to amend and re-enact Sections 1912, 1913, 1915, 1918, 1928, 1970, 1973, 1974, 2009, 2022, 2031, 2076, 2082, 2094, and to repeal Sections 2003, as amended April 1, 1897, and 2003, duplicate, as amended March 11, 1897, 2004, 2006, 2040, 2050, and 2099, of the Political Code, relating to the State militia, and to conform the State militia to the provisions of an Act of Congress approved January 21st, 1903, entitled "An Act to promote the efficiency of the militia and for other purposes."

Senate Bill No. 236—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Senate Bill No. 425—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

Senate Bill No. 352—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said Code by an Act approved March 23, 1901.

Senate Bill No. 196—An Act to amend Section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent.

HUBBELL, Chairman.

Senate Bills Nos. 369, 236, 425, 352, 196, and Committee Substitute for Senate Bills Nos. 261, 307, and 317 ordered on file.

ON JUDICIARY—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 11, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 151—An Act to amend Sections 10 and 11 of an Act to provide for the organization and management of county fire insurance companies.

Also: Senate Bill No. 298—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 40234, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Also: Senate Bill No. 510—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

LUKENS, Chairman.

Senate Bills Nos. 151, 298, and 510 ordered on file.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 343—An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 343 passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lukens, Nelson, Plunkett, Ralston, Sanford, Savage, Selva, Shortridge, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—25.

NOES—Senator Rowell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 9—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 9 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenier, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Belshaw asked for and was granted unanimous consent to withdraw Senate Bill No. 52—An Act to amend Section 742 of an Act

entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883—and substitute therefor on file Senate Bill No. 88—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Senate Bill No. 52 withdrawn and ordered stricken from file, and Senate Bill No. 88 substituted therefor.

Senate Bill No. 88—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Read third time.

Senator Belshaw moved to refer to Senator Caldwell, as a special committee of one, to amend as follows:

By striking out the word "the" before the word "Senate" in the enacting clause.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 12, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 88, with instructions to amend, respectfully reports the same back, amended as per instructions.

CALDWELL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment, and on file for passage.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Constitutional Amendment No. 1 having been set as a special order for this hour, the same was taken up.

Senate Constitutional Amendment No. 1—Relative to the gain or loss of residence of voters.

During reading of constitutional amendment, the following amendment was submitted by the committee:

Insert in line eight of page one after the word "days" and before the semicolon therein the following: "prior to any election and may vote in the precinct in which he is registered and from which he has removed within thirty days prior to any election."

Amendment adopted.

Constitutional amendment ordered to print.

At eleven o'clock and ten minutes A. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

Committee Substitute for Senate Bills Nos. 261, 307, 317—An Act to amend and re-enact Sections 1912, 1913, 1915, 1918, 1928, 1970, 1973, 1974, 2009, 2022, 2031, 2076, 2082, 2094, and to repeal Sections 2003, as amended April 1, 1897, and 2003, duplicate, as amended March 11, 1897, 2004, 2006, 2040, 2050, and 2099 of the Political Code, relating to the State militia, and to conform the State militia to the provisions of an Act of Congress approved January 21, 1903, entitled "An Act to promote the efficiency of the militia and for other purposes."

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bills Nos. 261, 307, and 317 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger,

Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, Wolfe, and Woodward—34.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 161—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

Read third time.

Senator Welch moved to refer to Senator Wolfe, as a special committee of one, to amend as follows:

On page one, section one, line eight, strike out the words: "may in their discretion," and insert in lieu thereof the word "must."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 12, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 161, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOLFE, Committee.

The question being on the adoption of the report of the special committee of one.

On motion of Senator Pendleton, the further consideration of the report and bill was temporarily postponed.

Committee Substitute for Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among steam engineers in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator French moved a call of the Senate.

The question being on the motion for a call of the Senate.

The ayes and noes were demanded by Senators French, Williams, and Wolfe.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Curtin, Diggs, Emmons, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Oneal, Plunkett, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—24.
NOES—Senators Belshaw, Coggins, Greenwell, Hahn, Ralston, Rowell, Savage, and Smith—8.

Time, eleven o'clock and fifty-five minutes A. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—36.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At twelve o'clock M. Senator Lukens was brought before the bar of the Senate and was excused, on motion of Senator Pendleton.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and five minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator French.

The roll of absentees was called.

Whereupon the acting President announced that Committee Substitute for Senate Bill No. 62 was passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Corlett, Curtin, Emmons, French, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Plunkett, Sanford, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—23.

NOES—Senators Belshaw, Coggins, Devlin, Diggs, Flint, Greenwell, Hahn, Hubbell, Muentner, Pendleton, Ralston, Rowell, Savage, Selvage, and Smith—15.

Title read and approved.

Bill ordered transmitted to the Assembly.

At twelve o'clock and ten minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

EXCUSED FROM VOTING.

Senator Lukens was excused from voting, on motion of Senator Pendleton.

EXPLANATION OF VOTE.

I changed my vote on Committee Substitute for Senate Bill 62, known as the Engineers' Bill, because, first, a petition signed by 3,500 residents of San Francisco, many of whom live in my district, has been presented; and, second, because all of the San Francisco delegation in the Senate are in favor of it. I favored the bill originally, and was only induced to oppose it because of the representations of labor union men. Senator Bunkers, himself a member of a union, asked me to vote for the bill.

E. I. WOLFE.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Smith:

Resolved, That when the Senate adjourns, it be in commemoration of the birth of Abraham Lincoln.

Resolution read and adopted.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 236—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 236 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Flint, French, Greenwell, Hahn, Hubbell, Leavitt, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At twelve o'clock and twenty-two minutes P. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

Senate Bill No. 350—An Act to amend Section 3443 of the Political Code of the State of California, relating to the purchase of swamp and overflowed or tide lands of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 350 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At twelve o'clock and twenty-eight minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

TRANSPPOSITION OF BILLS ON FILE.

On motion of Senator Sanford, Senate Bill No. 311—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor—was transposed on file for Senate Bill No. 123—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

Senate Bill No. 311—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 311 passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—29.

NOES—Senators Belshaw and Rowell—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 12, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 508—An Act to amend Section 3 of an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Senate Bill No. 508 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 11, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor,

and to improve and rectify water channels, and to do all necessary work in connection therewith—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DEVLIN, Chairman.

Senate Bill No. 389 ordered on file.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 12, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 320—An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

BYRNES, Chairman.

Senate Bill No. 320 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 12, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 150—An Act to amend Sections 628, 629, 632, 635, and 637, of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act.

Senate Bill No. 105—An Act to appropriate the sum of \$1,416.50 for the purchase of ballot paper for Secretary of State's office, to be used during the remainder of the fifty-fourth fiscal year.

Senate Concurrent Resolution No. 7—Relating to the creation of proposed forest reserves in the State of California, and requesting the Boards of Supervisors and District Attorneys of counties therein affected thereby to gather and compile data, information, statistics and maps, showing the injurious effects of the creation of such reserves.

Senate Bill No. 74—An Act to repeal an Act entitled "An Act to amend the Code of Civil Procedure" by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens, and regulating the provisions to be contained in building contracts, approved March 28, 1901.

Senate Bill No. 121—An Act to amend an Act entitled "An Act to add a new section to the Penal Code," to be known as Section 537, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding houses, and lodging-houses, approved March, 1, 1889.

Senate Bill No. 192—An Act authorizing the appointment of a notary public in the City and County of San Francisco, to reside and transact notarial duties at Yerba Buena Island, or Goat Island, in the Bay of San Francisco, in addition to the number of notaries now authorized by law for said city and county.

Senate Bill No. 159—An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same.

And report that the same have been correctly enrolled, and presented the same to the Governor on this twelfth day of February, 1903, at eleven o'clock and forty minutes A. M.

HUBBELL, Chairman.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentel, Rowell, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Welch—25.

Quorum present.

LEAVES OF ABSENCE.

Senator Selvage was, on his own motion, excused until Monday, February 16, 1903.

Senator Coggins was, on his own motion, excused until Monday, February 16, 1903.

Senator Welch was, on his own motion, excused until Monday, February 16, 1903.

Senator Muentner was, on his own motion, excused until Monday, February 16, 1903.

Senator Corlett was, on his own motion, excused until Monday, February 16, 1903.

Senator Savage was, on his own motion, excused until Monday, February 16, 1903.

Senator Sanford was, on motion of Senator Tyrrell of San Francisco, excused until Monday, February 16, 1903.

Senator Williams was, on motion of Senator French, excused until Monday, February 16, 1903.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—THIRD READING OF BILLS.

Assembly Bill No. 102—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 102 finally passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 123—An Act to amend Section 680 of the Political Code of the State of California, relating to investing school funds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 123 finally passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 24—An Act to amend Section 1885 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 24 finally passed by the following vote:

AYES—Senators Bunkers, Byrnes, Coggins, Corlett, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Nelson, Ralston, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, and Woodward—23.

NOES—Senators Greenwell and Rowell—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 99—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the county of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 99 finally passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hubbell, Lardner, Luchsinger, Lukens, Nelson, Rowell, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, Wolfe, and Woodward—24.

NOES—Senators Hahn, Knowland, Leavitt, and Shortridge—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 25—An Act to amend Section 1882 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 25 finally passed by the following vote:

AYES—Senators Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, French, Greenwell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Savage, Smith, Tyrrell of San Francisco, Ward, Wolfe, and Woodward—21.

NOES—Senator Bunkers—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

Assembly Bill No. 170—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 33—An Act to amend the Civil Code by adding two new sections thereto, to be numbered 131 and 132, to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

During second reading of bill, a substitute was submitted by the committee.

On motion of Senator Curtin, the substitute was ordered to print, and the bill to retain its place on file and open to amendment.

Assembly Bill No. 157—An Act to amend Section 1758 of the Code of Civil Procedure of the State of California, relating to testamentary guardians.

Bill read second time, and ordered to third reading.

LEAVE OF ABSENCE.

At three o'clock P. M. Senator Lukens, on his own motion, was excused for one hour.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 232—An Act to appropriate the sum of \$2,000 to pay for stationery, fuel, lighting, and other necessary supplies for the Legislature and State officers, to be used during the remainder of the fifty-fourth fiscal year.

Bill read second time, and ordered on file for third reading.

THIRD READING OF ASSEMBLY BILL.

Assembly Bill No. 536—An Act to re-enact Section 1265 of the Political Code, relating to election ballots, their custody after election, and their final destruction.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 536 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Oneal, Plunkett, Ralston, Rowell, Tyrrell of San Francisco, Ward, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE BILLS.

Senator Curtin asked for and was granted unanimous consent to take up for immediate consideration Senate Bill No. 199.

Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employes who shall violate or attempt or threaten to violate the provisions of this Act.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by striking out all that portion of said bill, beginning with the word "during," in line fifteen, page twenty-two, printed bill, to and including the word "customer," in line twenty, page twenty-two, printed bill, and amend further by inserting, after the word "therein," at end of line eight, section thirteen, page eight, printed bill, the following: "nor to any municipal corporation or irrigation district formed as such, under the laws of the State of California; nor to water furnished, owned, supplied or distributed thereby."

Amendment lost.

The following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 199.

An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agriculture, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements and understandings in contravention of this Act, and providing remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employees from violating the provisions of this Act, or from unlawfully diverting or appropriating said water.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever any person, firm, private corporation, company or association is, or shall be, engaged in the business of furnishing water for sale or rental to the inhabitants of any one or more of the counties of this State, or to portions of such inhabitants, for irrigation or for agriculture, it shall be the duty of such person, firm, private corporation, company or association to furnish such water, to the extent of the available supply, to his, her or its customers entitled thereto and requesting to be furnished therewith as herein provided, upon a basis of uniformity of rates among all customers in the same county, and without any discrimination against or in favor of any such customer or customers.

SEC. 2. Whenever the supply of water of such person, firm, private corporation, company or association engaged in the business of furnishing water as aforesaid shall, during any season or period, be or become insufficient to meet the demands of all the existing customers of the party so furnishing water as aforesaid, then and in that case the available water shall, during such season or period of insufficiency, be apportioned among the customers requesting the same and performing the conditions requisite to entitle them to water under the provision of this Act, pro rata, that is to say, in proportion to the quantity previously furnished to them respectively in accordance with the provisions of this Act, reduced to the extent necessitated by said insufficiency; which reduction shall be on a uniform basis among all the customers of the party furnishing water as aforesaid.

SEC. 3. Every customer entitled to be furnished with water as provided in this Act shall be furnished therewith on written request therefor made to the company not less than ten days before the time the water is desired, such time being stated in the request, and, if payment therefor has not already been made, on payment, or tender or offer to pay, the proper compensation for such water. Notwithstanding anything in this section above mentioned, whenever the case is such that the due and economical use and distribution of the water requires that it shall be furnished to separate sections of territory at a time, then, and in that case it shall be incumbent upon the consumers to make their requests to be supplied with water so as to enable it to be supplied to them while the water is being furnished to the section of territory within which their lands are situated; *provided*, that all the sections of territory which are supplied separately as aforesaid, shall so far as practicable be treated equally with respect to the quantity of water furnished, and the time or season at which it is furnished; and it shall be unlawful to make any discrimination for or against any section of territory in any of the respects aforesaid; and the above provision permitting water to be supplied to separate sections of territory at a time shall not apply whenever and as long as there is such unlawful discrimination. In case it shall be claimed or intended to be claimed by the party furnishing the water that the amount paid, tendered or offered as aforesaid by the customer requesting water is insufficient, such party so claiming or intending to claim must at the time of such request, payment, offer or tender by the customer or within five days thereafter, deliver or mail to such customer at the address given in his written request, a written statement showing the amount claimed for such water so requested as aforesaid, and the basis on which such claim is made; which statement shall be signed by the party making the same or by one of his, her or its officers, agents or employees, thereunto duly authorized; and if no such statement be delivered or mailed as aforesaid, all objections to the amount paid, tendered or offered shall be deemed to have been withdrawn and waived.

SEC. 4. All rates for water furnished under the provisions of this Act, whether fixed by public authority or otherwise, shall be uniform as among all the customers in the same county, and there shall be no discrimination in the collection of such rates, either in favor of or against any customer or customers on any ground or pretext whatsoever; *provided*, that different rates per acre may be established for the different purposes for which water is furnished, that is to say one rate per acre may be established for the irrigation of alfalfa, perennial grasses and cereals, and a different rate per acre for the irrigation of trees and vines; and a different rate for the irrigation of gardens; and one rate may be established for water for sheep, hogs, or goats, and a different rate for water for horses, cattle, mules and other livestock.

SEC. 5. No person, firm, private corporation, company or association, engaged in the business of furnishing water as aforesaid shall have any franchise, or any corporate or other power, right or authority to collect or receive for water furnished any rate or compensation which is in contravention of any provision of this Act; and any and all agreements, contracts and understandings made or had, after the passage of this Act, for any rates or compensation for such water in contravention of any provision of this Act, or for any rebate or less rate to any customer or customers than is or is to be charged to or collected from any other customer or customers in the same county, shall be unlawful, null and void.

SEC. 6. Every person, firm, private corporation, company or association engaged in the business of furnishing water as aforesaid who, having a supply of water available for the purpose, shall for a period of five days after the date fixed in the written request above mentioned as that upon which water is desired by any customer entitled to water under the provisions of this Act, refuse, neglect or fail to furnish to such customer the quantity of water to which such customer is entitled, shall immediately become and be liable to an action by such customer for any and all damages which the latter may sustain by reason of such refusal, neglect or failure, and for injunctions, both mandatory and prohibitory, preliminary and final, against the further withholding from such customer the supply of water to which such customer is entitled in accordance with the provisions of this Act.

SEC. 7. Whenever any private corporation engaged in the business of furnishing water as aforesaid shall refuse, willfully fail, or neglect to comply with any provisions of this Act, or shall announce or manifest in any way an intention not to do anything required by any provision or provisions of this Act, or whenever such corporation shall upon any pretext or pretexts whatsoever, seek to evade compliance with any provision or provisions of this Act, or whenever there shall be reasonable or probable cause to apprehend that any right or franchise of such corporation is being or will be endangered by the failure or intended failure of such corporation to comply with any provision or provisions of this Act, or to fulfill any duty imposed thereby, or whenever the supply of water of such corporation, or any part thereof, is, or has been, or is about to be, or intended to be, unlawfully diverted, appropriated or used either directly or indirectly by or for the benefit of any officer, agent or employé of such corporation, or of the party or parties in control or part control of such corporation, or of any other party, so as to render the available supply of water insufficient to meet the demands of the customers, any stockholder or stockholders of such corporation shall have the right to commence and prosecute in the proper superior court, an action to enjoin such corporation, its officers, agents and employé's from doing or permitting to be done any of the aforesaid things or pursuing the course of conduct above mentioned.

SEC. 8. This Act shall not apply to water supplied to any city or county, or city or town, or the inhabitants thereof, for which the rates are fixed or subject to be fixed under the provisions of Article XIV of the Constitution of California. Nor shall it apply to corporations, companies or associations which do not own water or any interest therein, but are mere agents for the handling and distribution thereof, among those who own the same or interests therein, nor shall it apply to any public or quasi public corporation.

SEC. 9. Where the primary purpose of the ownership of water by any person, firm, private corporation or association is and has been the use of such water for his or her or its own purposes, and not the furnishing of water to others, and the greater part of such water has actually been used for the owner's own purposes as aforesaid, and he, she or it has furnished to others only his, her or its surplus water not required for his, her or its own purposes, such owner shall be deemed and considered to be engaged in the business of furnishing water within the meaning of this Act, only to the extent of said surplus water.

SEC. 10. Where any person, firm, private corporation or association, engaged in the business of furnishing water as aforesaid obtains his, her or its supply of water by pumping from wells, nothing contained in this Act shall be construed to require such person, firm, private corporation or association to pump more water than he, she or it desires to pump.

SEC. 11. Nothing contained in this Act shall be construed as intended to affect the validity or impair the obligation of any existing lawful contract, or to disturb any vested right of property in any water right or to affect any consequence or privilege flowing from or arising out of such vested right or such contract, nor to apply to permanent water rights hereafter acquired.

SEC. 12. The provisions of any and all Acts which are in conflict with any provision of this Act are hereby repealed.

SEC. 13. This Act shall take effect and be in force from and after its passage.

Substitute read and adopted.

The following amendments to the substitute were offered:

By Senator Curtin:

On page one, strike from the title of the bill the word "agriculture," and insert in lieu thereof the words "agricultural purposes."

Amendment adopted.

Also:

On page two, section one, line five, strike out the word "agriculture," and insert in lieu thereof the words "agricultural purposes."

Amendment adopted.

Also:

On page two, section one, line ten, insert the word "such" before the word "customers."

Amendment adopted.

Also:

On page two, section three, line eight, insert the word "beneficial" after the word "due."

Amendment adopted.

Also:

On page two, section three, line eleven, insert the words "shall be so furnished and it" before the word "shall" and after the word "it."

Amendment adopted.

Also:

On page three, section three, line seventeen, strike out the word "equally" and insert in lieu thereof the word "uniformly."

Amendment adopted.

Also:

On page three, section four, line three, after the word "shall," insert the following: "except as otherwise provided in section eleven of this Act."

Amendment adopted.

Also:

On page three, section four, line seven, strike out the words "per acre."

Amendment adopted.

Also:

On page three, section four, line seven, strike out the words from and including the words "the different" down to and including the word "stock," at the end of the section, and insert in lieu thereof the following: "different uses as provided by an Act entitled an Act to regulate and control the sale, rental, and distribution of appropriated water in this State other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the places of use, approved March 12, 1885."

Amendment adopted.

Also:

On page four, section five, line six, after the word "and" and before the word "any" (being the second "any" in the said line) insert the following: "except as provided in section eleven of this Act."

Amendment adopted.

Also:

On page four, section seven, line four, strike out from and including the word "announce" down to and including the word "whatsoever," in line seven of the same section and page.

Amendment adopted.

Also:

On page four, section seven, line nine, after the word "apprehend," insert the words "any such evasion, neglect or violation or."

Amendment adopted.

Also:

On page six, section eleven, line two, insert the words "affecting or" after the word "as" and before the word "intended."

Amendment adopted.

Also:

On page six, section eleven, line six, strike out the word "permanent" and insert in lieu thereof the following: "prohibit or affect."

Amendment adopted.

Also:

On page six, section eleven, line seven, after the word "acquired," at the end of the section, insert the words "in any manner."

Amendment adopted.

Also:

On page four, section five, after the last word in section five, add to said section the following: "provided, that whenever any person, firm, private corporation, company, or association having more water than needed for existing customers shall desire to induce any considerable number of persons not previously consumers of the water to establish a colony upon lands within reach of the water supply, such person, firm, private corporation, company, or association may, as an inducement to the establishment of such colony, agree to grant special or wholesale rates for water to be furnished to any such colony, or persons, either perpetually, or for a limited period of time, but such special or wholesale rates shall be uniform as between such colonists as long as such agreement is in force."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading. Senator Devlin asked for and was granted unanimous consent to take up Senate Bill No. 352 for immediate consideration.

Senate Bill No. 352—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said Code by an Act approved March 23, 1901.

Read third time.

Senator Devlin moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

Amend by striking out the words "that period" in line twelve of section one, and in lieu thereof insert: "during the period of five years continuously next preceding the filing of the complaint."

Also: Amend line seventeen of section one by adding after the word "known" the words "to the plaintiff."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 12, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 352, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one and amendments adopted.

Senator Devlin moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

Amend line twenty-one of section two by adding after the word "in" the words "or out of."

Also: Amend line twenty-five of section two by adding after the word "State," where it first occurs in said line, the words "whose place of residence is known to the plaintiff."

Also: Amend line twenty-five of section two by adding after the word "residing" the words "in or out of."

Also: Amend lines thirty-seven and thirty-eight of section two by striking out, commencing with the word "and," in line thirty-seven down to and including the word "situated," in line thirty-eight.

Also: Amend line thirty-nine of section two by adding after the word "in" the words "or out of."

Also: Amend line forty of section two by adding after the word "to" the words "them at."

Also: Amend line forty-one of section two by striking out the words "property is situated" and in lieu thereof insert the words "action is commenced."

Also: Amend lines fourteen and fifteen of section three by striking out, commencing with the word "in" in line fourteen, and ending with the word "file," in line fifteen.

Also: Amend by adding after the word "complaint," in line thirty-two of section three, the following: "the remedy provided in this and the two preceding sections shall be construed as cumulative and not exclusive of any other remedy, form or right of action or proceeding now allowed by law."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 12, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 352, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

SECOND READING OF ASSEMBLY BILLS.

Senator Hubbell asked for and was granted unanimous consent to take up Senate Bill No. 513 for immediate consideration.

Senate Bill No. 513—An Act to amend Section 3097 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.

Bill read second time, considered engrossed, and ordered on file for third reading.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By San Francisco Delegation: Senate Bill No. 589—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to vacate certain streets, alleys and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California, to said City and County of San Francisco for commercial purposes, and other matters relating thereto, approved March 13, 1872,' approved March 11, 1874."

Bill read first time and ordered on file without reference to committee.

By Senator Caldwell: Senate Bill No. 590—An Act to amend Section 177 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and to repeal Section 24 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to counties of the twentieth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 591—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Luchsinger: Senate Bill No. 592—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 169 thereof, relating to counties of the twelfth class.

Bill read first time, and referred to Committee on County Government.

By Senator Coggins: Senate Bill No. 593—An Act to amend Section 1768 of the Political Code of the State of California, relating to County Boards of Education.

Bill read first time, and referred to Committee on Education.

By Senator Ralston: Senate Bill No. 594—An Act to prohibit the use of the bristle-burr, tack-burr, or other like devices on horses or other animals in this State.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Committee on Finance: Senate Bill No. 595—An Act making an appropriation to pay the claim of A. W. North against the State of California.

Bill read first time, and ordered on file without reference to committee.

By Senator Rowell: Senate Bill No. 596—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds. Bill read first time, and referred to Committee on Education.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following bills, have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of the Secretary of Senate for the sum of two hundred forty-five and forty-four one hundredths (\$245.44) dollars, in payment of the bills hereto attached; and the Treasurer is directed to pay the same.

H. S. Crocker Co.	\$76 00
L. & M. Alexander.....	5 00
Postal Telegraph Cable Co.	95 94
D. Johnston & Co.	3 50
Frank M. Jones.	37 50
Yost Typewriter Co.	22 50
Siller Bros.	5 00

\$245 44

Recommend the adoption of the following:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund in favor of the Secretary of Senate for forty-five dollars each, in payment for frames and engrossed copies of the resolutions of respect to the memories of the late ex-members, J. H. Seawell and L. J. Dwyer, heretofore ordered by the Senate.

FLINT, Chairman.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bunkers, Caldwell, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Luchsinger, Oneal, Plunkett, Ralston, Rowell, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, and Woodward—21.

NOES—None.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 11, 1903.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Joint Resolution No. 3—Relative to House of Representatives Bill No. 14,443, pertaining to a National Conservatory of Music and Art.

Also: Assembly Constitutional Amendment No. 12—Relative to the salary of members of the Legislature and attachés thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted as amended.

HAHN, Chairman.

Assembly Joint Resolution No. 3, and Assembly Constitutional Amendment No. 12, ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 12, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 130—An Act making an appropriation to pay a judgment for the sum of \$3,195, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, vs. The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Also: Senate Bill No. 295—An Act making an appropriation to pay a judgment for the sum of \$1,320, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Bank of Commerce, a corporation, plaintiff, vs. The People of the State of California, defendant, numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, at page 391.

Also: Senate Bill No. 275—An Act to appropriate \$500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of the Superior Court of the County of Butte.

Also: Senate Bill No. 46—An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Also: Senate Bill No. 127—An Act making an appropriation to pay a judgment for the sum of \$5,880, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, vs. The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Also: Senate Bill No. 128—An Act making an appropriation to pay a judgment for the sum of \$8,655, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, vs. The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Also: Senate Bill No. 481—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Also: Senate Bill No. 313—An Act making an appropriation to pay the judgment of \$550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book "3," page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Also: Senate Bill No. 213—An Act to appropriate \$6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Also: Senate Bill No. 471—An Act to appropriate the sum of \$400 to pay the claim of John E. Tucker against the State of California, upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Also: Senate Bill No. 299—An Act making an appropriation to pay the judgment of \$1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court,

entitled John Raggio, plaintiff, vs. The State of California, defendant, and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. "3" of judgments of the Superior Court of Calaveras County, page 333.

Also: Senate Bill No. 309—An Act making an appropriation to pay the judgment of \$370 obtained in the Superior Court of the State of California in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book "3," page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. The State of California, defendant.

Also: Senate Bill No. 255—An Act to appropriate \$2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Also: Senate Bill No. 212—An Act to appropriate \$55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

DEVLIN, Chairman.

Senate Bills Nos. 130, 295, 275, 46, 127, 128, 481, 318, 213, 471, 299, 309, 255, and 212 ordered on file.

ADJOURNMENT.

At four o'clock and forty minutes P. M., on motion of Senator Belshaw, and in accordance with the resolution previously offered by Senator Smith, the President pro tem. declared the Senate adjourned in commemoration of the twelfth day of February, being the anniversary of the birth of Abraham Lincoln.

IN SENATE.

SENATE CHAMBER,
Friday, February 13, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Byrnes, Caldwell, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Ralston, Rowell, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—27.

Quorum present.

PRAYER.

Prayer by the Rev. J. F. Quinn, of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 12, 1903, the further reading was dispensed with, on motion of Senator Ralston.

APPROVAL OF JOURNAL.

The Journal of Tuesday, February 10, 1903, having been corrected, was read and approved.

LEAVE OF ABSENCE.

Senator Curtin was, on motion of Senator Flint, excused until Monday, February 16, 1903.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Senator Ralston:

To the Honorable Members of the California Legislature, Session of 1903:

GENTLEMEN: We, the undersigned, representing the mines set opposite our respective names, having met in Sacramento to protest against certain measures now pending before your honorable body having for their object amendment to the laws relating to employer and employé, deem it our duty to lay before you our views on the situation, which seems to us to be of the utmost gravity both to employer and employé.

Therefore, we do most earnestly protest against the passage of the following bills, to wit: Senate Bills Nos. 214, 304, and 314, and Assembly Bills Nos. 114 and 693.

The relations now existing between employer and employé in all of the mining sections of this State are most amicable. The highest wage is being paid to all mining employes consistent with the output of the mines and the grade of ore.

The interests of the employer and employé are mutual, but should the bills above referred to become laws it will work a greater hardship on the miner than upon the mine-owners, for it will necessitate the closing down of many low-grade mines (if not all) in the State.

Under the proposed laws, at different times in the active operation of mines nearly every man employed about a mine would become a vice-principal and the company or owner would therefore be liable for his acts.

Senate Bill No. 214, which provides for an inspector of mines, seeks to create a totally unnecessary and useless office, involving the expenditure of public funds without giving to the miner any more protection than he now enjoys.

We, therefore, earnestly request the members of the Senate and Assembly to allow the pleasant relations which now exist all over the State between miners and mine-owners to remain undisturbed.

Utica Mine, C. D. Lane, by L. W. Shinn, superintendent; Lincoln Mine, by E. C. Voorheis; Central Eureka Mine, by E. C. Voorheis; Hidden Treasure Gravel Mining Co., by Harold T. Power, president; Morning Star Mining Co., by Harold T. Power, president; Great Channel Gold Mining Co., by Harold T. Power, manager; Gwin Mine Development Co., by F. F. Thomas, general manager; Fremont Consolidated Mining Co., by C. M. Goodall, vice-president; River Hill Mining Co., by Thomas Clark, manager; Wildman Syndicate, John Ross, Jr., superintendent; Rhetta Consolidated Gold Mining Co., W. W. Worthing, general manager; Lightner Mining Co., Henry E. Adams; Wilbur Womble, Mining Co., Charles E. Guild, treasurer; Eagle-Shawmut Mining Co., Charles E. Uren, superintendent; Vandalia Mine, L. Rosenberg, manager; G. Bluff and T. P., I. Copeland, manager; Gaston Ridge M. and M. Co., L. R. Poundstone; Kennedy M. and M. Co., E. C. Hutchinson; South Eureka M. Co., E. C. Hutchinson; Oneida Gold M. and M. Co., Joseph H. Mooser; Mariposa Com'l and Mining Co., Charles C. Derby; Royal Consolidated Mining Co., limited, P. W. F. Lanigan; Fremont Consolidated Mining Co., John P. Blood; Melones Mining Co., W. C. Ralston; Bunker Hill Consolidated Mining Co., by E. C. Voorheis; Central Gold Mining Co., by Harold T. Power, president; Haskell Gold Mining Co., by Harold T. Power, president; Fulton Iron Works, by Daniel E. Hayes, vice-president.

By Senator Belshaw, on behalf of Senator Caldwell:

To the Honorable the Legislature of the State of California:

WHEREAS, There is now pending before your honorable body an Act designed to correct some minor defects of the existing Act relating to the practice of dentistry in the State of California, approved March 23, 1901; and

WHEREAS, The amendments desired by the practicing dentists of this State have been prepared, after due and careful consideration of all the matters involved in the proposed changes, by the State Central Committee on Dental Legislation (a body composed of delegates representing all the dental associations, and all the dental alumni associations of the State of California); and

WHEREAS, By reason of the above-mentioned defects several important provisions of the present law are inoperative, to the detriment of the public welfare; and

WHEREAS, We firmly believe the amendments proposed in Senate Bill No. 359, and Assembly Bill No. 617, which are identical as amended in committee, will correct the said defects, and promote the public welfare;

Now therefore, we, the following-named associations, clubs, societies, and bodies, composed of practicing dentists in the State of California, do heartily indorse said

amendments proposed in said bills, and do hereby most respectfully petition your honorable body to enact the same.

(Signed:) San Francisco Dental Society (composed of seventy-five (75) members).

By CHAS. H. DuBois, President.
GEORGE EATON DANIELS, D.D.S., Secretary.

The Alumni Association of the Dental Department of the University of California (composed of five hundred and twenty-five (525) members).

By F. G. BAIRD, President.
GUY S. MILLBERRY, Vice-President.
C. H. BOWMAN, Secretary.
H. G. ALLEN, Corresponding Secretary.
JOSEPH A. JEFFREY, Treasurer.

The California State Dental Association (composed of one hundred and seventy (170) members).

By FRANK L. PLATT, President.
C. E. POST, Secretary.

The Southern California Dental Association (composed of one hundred and thirty (130) members).

By J. M. WHITE, President.
L. E. FORD, Secretary.

The faculty of the Dental Department of the University of California.

By HARRY P. CARLTON, D.D.S., Dean.

San Francisco Dental Society (composed of seventy-five (75) members).

By CHAS. H. DuBois, President.
GEORGE EATON DANIELS, D.D.S., Secretary.

Alumni Association of the College of Physicians and Surgeons of San Francisco (embracing about one hundred and seventy (170) practicing dentists).

By C. O. SOUTHWARD, M.D., President.
CHAS. M. TROPFMANN, Ph.G., M.D., Secretary.

Santa Clara Valley Dental Association (composed of twenty-five (25) members).

By A. M. BARKER, President.
F. L. CAUCH, Secretary.

Oakland Dental Club (composed of thirty-one (31) members).

By JOSEPH LORAN PEASE, President.
A. C. GILBERTSON, Secretary.

Sacramento Dental Society (composed of twenty-three (23) members).

By W. J. TAYLOR, President.
H. H. STEPHENSON, Secretary.

Santa Barbara Dental Club (composed of ten (10) members)—H. W. Moore, C. J. Stinson, J. J. Dickover, J. B. Saxby, George A. White, C. S. Lane, W. L. Warnekross, E. F. Herbert, G. W. Simpson, Edw. P. Bradbury.

San Diego Dental Society (composed of thirteen (13) members).

By E. W. SHERIFF, President.
E. T. READ, Secretary.

By the President:

A PROTEST AGAINST THE PASSAGE OF SENATE BILL NO. 354.

MILLS BUILDING, SAN FRANCISCO, February 9, 1903.

To the Honorable Senate and Assembly of the State of California:

GENTLEMEN: We respectfully represent to your honorable bodies that the effect of the enactment into law of the provisions of Senate Bill No. 354, now pending before you, or similar provisions in any other bill, would be to paralyze the manufacturing industries of California and many of the producing industries depending upon them, for the reasons below stated.

The effect of this bill if passed will be to require that every article manufactured in this State shall be conspicuously labeled and stamped with the name and address of the manufacturer, and in towns and cities with his street and number, and to prohibit all dealers and other persons from selling or exposing for sale any articles made in this State unless so labeled, etc., under penalty, both in the case of the manufacturer and of the dealer, of conviction and punishment for misdemeanor.

Under the proposed Act every one of the millions of cans, bottles and other containers of fruits and other products made in this State would have to be stamped as specified. Likewise the ordinary labels covering these containers as well as the boxes in which they are packed. Many parts of a battleship, of machinery, wagons and other articles made here in part would have to carry the prescribed name and address. The require-

ment would apply to every brick made in the State and to other articles of clay and even to a spool of thread selling for one cent. The cost of compliance would in many cases be prohibitive of manufacture and in other cases burdensome and oppressive and the value of many thousands of dollars worth of labels already prepared for use in the ordinary course of business and now on hand with our manufacturers would be destroyed upon the passage of the bill.

The cause of this protest is that the provisions of this measure are utterly impracticable in character, opposed to fixed conditions of trade and that they grossly discriminate against the manufacturers of this State and in favor of articles made elsewhere and brought into this State, because the requirements of the bill do not and can not apply to articles made outside of this State. Should this bill specifically recite that no article made elsewhere and brought into this State shall be required to be so labeled, etc., and that no person selling it shall be punished, but that all articles made in our own State shall be so labeled and that any person making or selling anything made in this State not so labeled shall be fined and imprisoned, it would more clearly define the practical working of this measure, which seeks to brand the manufacturers of our State as criminals for doing what every manufacturer outside of the State is permitted to do and can not be prevented from doing.

The established conditions of trade imperatively require the manufacturer here and elsewhere to put up goods in many instances under the brand and label of the jobber or merchant. Refusal on the part of manufacturers of this State to comply with this demand of the jobber would inevitably send him to the manufacturers of States whose laws seek to build up their industries instead of to destroy them. One third of the market of many of our manufacturers would be lost in this manner alone through this measure, and the producers of fruits, vegetables and other products, as well as the manufacturer, would be irreparably injured.

We further respectfully represent to your honorable bodies that no part of this opposition to said bill relates to the purpose of the measure to distinguish between the products of white and of Chinese labor, and that, while it is possible that the originators of this measure conceived that they were working to a laudable end, no more sweeping blow, disastrous in its effects, could be struck at our industries than this proposed law.

We therefore most emphatically protest against the passage of Senate Bill No. 354, and of any other bill containing similar provisions.

Respectfully,

MANUFACTURERS AND PRODUCERS' ASSOCIATION OF CALIFORNIA.

(Signed:) A. SEABORO, President.

CHARLES E. BANCROFT, Secretary.

[SEAL]

The Manufacturers and Producers' Association of California was organized in March, 1895. It is composed of producers and manufacturers throughout the State, and its leading purpose is to encourage the manufacture and production, distribution and consumption of California products of all kinds.

Also:

HON. ALDEN ANDERSON:

DEAR SIR: The following resolutions are forwarded to you hoping that they will be brought to the immediate and favorable attention of the Senate:

WHEREAS, The California Federation of Women's Clubs, representing 130 clubs and 9,000 women, assembled in Fresno, for its annual meeting, considering the case of the late Jessie Benton Fremont, now pending before Congress in the Committee on Claims, to be one of unusual hardship and deserving of favorable consideration and immediate settlement by Congress; and

WHEREAS, There can be no nobler and more appropriate monument to the memory of John C. and Jessie Benton Fremont than the protecting care of California for Elizabeth Benton Fremont, their only daughter; and

WHEREAS, Mrs. Fremont was, for many years, and until the time of her death, a resident of California; as the claim is for property in California seized by the Government, and as General John C. Fremont was one of the principal factors in the acquisition of California, and one of her first Senators, it is fitting that a measure for the relief of their daughter be pressed as a State measure; therefore, be it

Resolved, That the California Federation of Women's Clubs earnestly petitions the State Legislature to make the settlement of the Fremont claim the business of the State of California; that to that end Congress be immediately memorialized, and further, that either a committee or an attorney be put in charge of the matter to continue the prosecution of the case and carry it to a successful conclusion, for the speedy relief of the heirs of Jessie Benton Fremont; and

Resolved, That certified copies of these resolutions be at once forwarded to the Governor of the State of California, and to the President of the Senate and the Speaker of the Assembly.

MRS. W. W. STILSON, Acting President of C. F. W. C.
MRS. GEO. BABCOCK, Recording Secretary C. F. W. C.

Resolutions passed February 4, 1903.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 10—Relative to amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employes of the Senate and House, providing for biennial and special sessions of the Legislature.

Also: Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to Section 10 of Article XIII of the Constitution of the State of California, in relation to revenue and taxation.

Also: Passed Senate Bill No. 250—An Act to amend Section 1366 of the Political Code, relating to primary elections.

Also: Assembly Bill No. 419—An Act authorizing the Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

Also: Assembly Bill No. 225—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children to the public schools of the State.

Also: Senate Bill No. 81—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children, prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence.

Also: Senate Bill No. 143—An Act regulating the hours of service on regular duty by members of the police department of the cities of the first class, cities and counties, cities of the first and one half class, and cities of second class.

Also: Senate Bill No. 97—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

And concurred in Senate amendments to Assembly Bills Nos. 99 and 102.

CLIO LLOYD, Chief Clerk.

Assembly Constitutional Amendments Nos. 10 and 5 referred to Committee on Constitutional Amendments.

Senate Bills Nos. 250, 81, 143, and 97 ordered to enrollment.

Assembly Bill No. 419 read first time, and referred to Committee on Finance.

Assembly Bill No. 225 read first time, and referred to Committee on Education.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Belshaw: Senate Bill No. 597—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and providing for the publication of a fair statement of all the proceedings of the board.

Bill read first time, and referred to Committee on County Government.

By Senator Wolfe: Senate Bill No. 598—An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation.

Bill read first time, and referred to Committee on Commissions, Retrenchment, and Reform.

By Senator Williams: Senate Bill No. 599—An Act to amend Section 1791 of the Political Code of the State of California, relating to public schools.

Bill read first time, and referred to Committee on Education.

Also: Senate Bill No. 600—An Act to authorize and empower the Board of State Harbor Commissioners to pay the claim of Christopher McNulty, for the sum of \$1,500, against the State of California.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 601—An Act to amend "An Act to provide for the establishment of cosmopolitan schools in the City and County of San Francisco," approved March 30, 1874, by adding a new section, relating to the election, qualifications, and certificates of special teachers in said schools.

Bill read first time, and referred to Committee on Education.

By Senator Devlin: Senate Bill No. 602—An Act to appropriate the sum of \$7,000 for the purpose of laying the necessary pipes and placing in the several rooms of the State Capitol the necessary steam radiators to properly heat said rooms by steam.

Bill read first time, and referred to Committee on Finance.

By Senator Ward: Senate Bill No. 603—An Act adding Section 2630 to the Civil Code of the State of California, relating to insurance.

Bill read first time, and referred to Committee on Judiciary.

By Senator Knowland: Senate Bill No. 604—An Act to create and regulate public warehouses.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Ralston: Senate Bill No. 605—An Act to pay the claim of M. Isaacs against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

The Senate proceeded to consider the daily file.

Senate Bill No. 369—An Act to establish a uniform system to enable towns or municipalities of certain classes or districts to form water districts.

Read third time on a previous day.

Senator Belshaw moved to refer to Senator Caldwell, as a special committee of one, to amend as follows:

By striking out of section one, line six, the words "Board of Supervisors," and inserting the following: "trustees of any municipality of the fourth, fifth, and sixth class." Also, by striking out the period in section one, line fourteen, and inserting the following: "formed under the provisions of this Act."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 13, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 369, with instructions to amend, respectfully reports the same back, amended as per instructions.

CALDWELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 254—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 254 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Plunkett, Ralston, Sanford, Shortridge, Smith, Tyrrell of San Francisco, Ward, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 513—An Act to amend Section 3097 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 513 passed by the following vote:

AYES—Senators Bunkers, Byrnes, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Plunkett, Ralston, Rowell, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 347—An Act to amend Section 8 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau, to be known as the State Mining Bureau, and for the appointment and duties of a Board of Trustees, to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the powers of the Board of Trustees of the State Mining Bureau.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 347 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Plunkett, Ralston, Rowell, Shortridge, Tyrrell of San Francisco, Ward, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER SET.

On motion of Senator Bunkers, the consideration of Senate Constitutional Amendment No. 1—Relative to the gain or loss of residence of voters—was made a special order for Tuesday, February 17, 1903.

At ten o'clock and fifty-five minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 252—An Act to amend an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other

beverages," approved March 31, 1891, by adding thereto a new section after Section 4 thereof, relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 252 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Plunkett, Ralston, Rowell, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 253—An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 253 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Plunkett, Ralston, Rowell, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 257—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 257 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Plunkett, Ralston, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 196—An Act to amend Section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent.

Read third time.

Senator Wolfe moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

In line three, page one of bill, insert before the word "every" the word and figures "Section 3440."

Also: In line thirty-four, on page two of bill, insert between the word "the" and the word "vendee" the word "intended."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 13, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 196, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 315—An Act making an appropriation of \$700 to provide for postage, expressage, telegraphing, traveling and contingent expenses of the Governor's office for the fiscal year ending June 30, A. D. 1903.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 315 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Diggs, Emmons, Flint, French, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Oneal, Plunkett, Ralston, Rowell, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Smith:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of B. M. Poore for the sum of forty dollars for services rendered the Senate of the State of California, the same to be paid out of the Contingent Fund of the Senate.

Resolution read and referred to Committee on Contingent Expenses and Mileage.

At eleven o'clock and fifteen minutes A. M., Lieutenant-Governor Alden Anderson in the chair.

CONSIDERATION OF DAILY FILE—(RESUMED)—SECOND READING OF BILLS.

Senate Bill No. 328—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 66—An Act to amend Section 103 of the Code of Civil Procedure, relating to Justices' Courts and Justices of the Peace.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 391—An Act to add a new section to the Political Code, to be numbered 1003a, relating to vacancies in office.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 512—An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the settlements of estates of deceased persons, allowance of necessary expenses in the settlement of the estate, including premiums paid for official bonds.

During second reading of bill, the following amendments were submitted by the committee:

Amend by inserting in line five of the printed bill between the words "any" and "premium" the word "reasonable."

Amendment adopted.

Also: Amend by inserting between the words "official" and "bonds" in line five, the words "bond or."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 430—An Act to amend Section 4161 of the Political Code, relating to public money in the hands of the County Treasurer.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "or such other bonds that are designated and approved by the State Board of Examiners, or by the County, or City and County Boards of Supervisors," on lines seventeen, eighteen, and nineteen, second page, printed bill.

Amendment adopted.

The following amendment was offered:

By Senator Leavitt:

On page one, section one, line two, strike out the words "and re-enacted."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 420—An Act authorizing any teacher or public officer who is now a contributor to a public school teachers' annuity and retirement fund in any county, or consolidated city and county, of this State, where there are no annuitants drawing annuities from the said fund of such county, or consolidated city and county, to cease to be a contributor to such fund within sixty days from the taking effect of this Act, and to have returned to him the amount contributed by him thereto, or such part thereof as may be available for that purpose.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 334—An Act to regulate the use of illuminating gas.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 437—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the government and management of State hospitals for the insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Joint Resolution No. 7—Relative to memorializing our Senators and Representatives in Congress to support a resolution introduced in the House of Representatives by Hon. A. C. Dayton, of West Virginia, opening the way for a rapid increase of the United States Navy.

On motion of Senator Rowell, was passed on file, to retain its place on file.

BILLS ORDERED PLACED ON SPECIAL APPROPRIATION FILE.

On motion of Senator Leavitt, all bills carrying appropriations for coyote scalps were ordered placed on the special file for appropriation bills, to be considered after March 1, 1903.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 222—An Act to pay the claim of Tirey L. Ford, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out all of said bill after the enacting clause and inserting in lieu thereof the following:

"SECTION 1. The sum of five thousand two hundred twenty-three and fifty-nine one hundredths (\$5,223⁵⁹/₁₀₀) dollars is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, to pay the claim of Tirey L. Ford.

"SEC. 2. The Controller of State is hereby directed to draw his warrant in favor of Tirey L. Ford in the sum of five thousand two hundred twenty-three and fifty-nine one hundredths (\$5,223⁵⁹/₁₀₀) dollars, and the State Treasurer is directed to pay said warrant, and this appropriation and this warrant is hereby exempted from the provisions of section six hundred seventy two of the Political Code.

"SEC. 3. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and on the special file of appropriation bills.

Senate Bill No. 405—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in municipalities and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 11, 1901.

Read third time.

SPECIAL ORDER SET.

On motion of Senator Smith, the consideration of Senate Bill No. 405 was made a special order for Monday, February 16, 1903.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 13, 1903.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 516—An Act to regulate the work and hours of selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FRENCH, Chairman.

Senate Bill No. 516 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 12, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 331—An Act to provide for certain improvements at the California Polytechnic School and making an appropriation therefor.

Also: Senate Bill No. 291—An Act appropriating the sum of \$200,000 for the purchase of a site and for the erection, equipment, and furnishing of a building or buildings for the use of the San Francisco State Normal School.

Also: Senate Bill No. 332—An Act making an appropriation for the California Polytechnic School.

Also: Senate Bill No. 305—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 44—An Act to appropriate \$4,000 for the extension of the laundry building and purchase of additional machinery therefor; for the purchase and erection of new boilers; for the construction of a reservoir and pipe-line for domestic water supply for the Southern California State Hospital.

Also: Senate Bill No. 5—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

Also: Senate Bill No. 399—An Act making an additional appropriation for the uses and purposes set out in an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California and appropriating the sum of \$50,000 for the erection and furnishing of said residence and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899, and the several Acts amendatory of and supplemental thereto.

Also: Senate Bill No. 129—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DEVLIN, Chairman.

Senate Bills Nos. 331, 291, 332, 305, 44, 5, 399, and 129 ordered on file.

REPORT OF COMMITTEE ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 13, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 3—An Act to appropriate the sum of \$5,000 to pay the amount of a judgment against the State of California, and in favor of Robert Y. Hayne, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same.

Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Senate Bill No. 152—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Senate Bill No. 225—An Act to add a new section to the Penal Code, to be numbered 401, relating to the regulation of the marketing, identifying, manufacturing, and sale of products of crude petroleum used for illuminating purposes.

Senate Bill No. 76—An Act appropriating \$300 to pay the reward to C. W. King for the arrest of "Indian Dick Hutchings," sometimes called "Indian Dick," for the murder of "Tyner Bill."

Senate Bill No. 422—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 23 thereof.

Senate Bill No. 443—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

HUBBELL, Chairman.

Senate Bills Nos. 3, 13, 152, 225, 76, 422, and 443 ordered on file.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 625a, relating to unlawful interferences with public fire alarms.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 406 refused passage by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Devlin, Diggs, Greenwell, Hahn, Hubbell, Knowland, Lardner, Oneal, Ralston, Rowell, Shortridge, Wolfe, and Woodward—16.

NOES—Senators Flint, French, Leavitt, Luchsinger, Lukens, Smith, Ward, and Williams—8.

NOTICE OF MOTION TO RECONSIDER.

Senator Smith gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Penal Code" by adding a new section thereto, to be numbered 625a, relating to unlawful interferences with public fire alarms—was this day refused passage.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 349—An Act to pay the claim of H. W. Sitton, and to make an appropriation therefor, for the sum of \$1856.78 on bond of the State of California, No. 592, issued July 9, 1858.

During second reading of bill, the following amendments were offered:
By Senator Flint:

On page one, section one, line four, strike out the letter "W" in the initials of the name of Sitton and insert in lieu thereof the letter "M."

Amendment adopted.

Also: On pages one and two, section two, lines two and three, strike out the letter "W" in the initials of the name of Sitton, and insert in lieu thereof the letter "M."

Amendment adopted.

Also: In title on page one, strike out the letter "W" in the initials of the name of Sitton, and insert in lieu thereof the letter "M."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 509—An Act to appropriate the sum of \$142.50 to pay the claim of F. Phillips for money due and owing the said F. Phillips from the State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 319—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

During second reading of bill, the following amendments were submitted by the committee:

Amend by inserting in line ten, section one of printed bill, between the words "containing" and "cities," the words "a city or."

Amendment adopted.

Also: Amend by striking out the word "is" in line eleven, and inserting between the words "marshal" and "elected" the words "or marshals are."

Amendment adopted.

Also: Amend by inserting between the word "appointed," the last word in line eleven, and the word "there" in line twelve, the words "in all of said cities."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 208—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 468—An Act to provide for the payment by the State, or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "and" in line one, and "for bonds" on line two, first page printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 151—An Act to amend Sections 10 and 11 of an Act to provide for the organization and management of county fire insurance companies.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out, in line six of section one of printed bill, the words "twenty-five" and inserting in lieu thereof the word "fifteen."

Amendment adopted.

Also: Amend by striking out in line nine, section one, the word "twenty" and inserting in lieu thereof the word "thirty"; also by striking out all of section two.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 510—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

During second reading of bill, the following amendment was submitted by the committee:

Amend the title by adding after the words "eminent domain" the following words: "and staying proceedings on judgment therein."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 508—An Act to amend Section 3 of an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 320—An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Bill read second time, considered engrossed, and ordered on file for third reading.

MOTION.

Senator Ralston moved that when the hour of twelve o'clock and thirty minutes P. M. arrives the Senate be declared adjourned until Monday, February 16, 1903, at eleven o'clock A. M.

Motion carried.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

During second reading of bill, the following amendment was offered:
By Senator Devlin:

Insert immediately before section one "The people of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

The following amendments were submitted by the committee:

Amend by striking out the word "four" in line three, section one, first page printed bill, and inserting in lieu thereof the word "two."

Amendment adopted.

Also: Amend by inserting in line twelve, page one, section one, after the word "report," the following: "*provided, however, that no part of the sum hereby appropriated shall be used to purchase rights of way.*"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

ADJOURNMENT.

The hour of twelve o'clock and thirty minutes P. M. having arrived, the President declared the Senate adjourned until Monday, February 16, 1903, at eleven o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Monday, February 16, 1903. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentzer, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 13, 1903, the further reading was dispensed with, on motion of Senator Ralston.

APPROVAL OF JOURNALS.

The Journals of Wednesday, February 11, and Thursday, February 12, 1903, having been corrected, were read and approved.

LEAVES OF ABSENCE.

Senator Belshaw was, on motion of Senator Ralston, granted a leave of absence until Wednesday, February 18, 1903.

Senator Wolfe was, on motion of Senator Luchsinger, granted a leave of absence for the day.

Senator Devlin was, on his own motion, granted a leave of absence for Tuesday, February 17, 1903, until two o'clock p. m.

Senator Tyrrell of Nevada was, on motion of Senator Nelson, granted leave of absence for the day.

Senator Bunkers was, on motion of Senator Welch, granted leave of absence for the day.

PETITIONS.

The President announced that he had received the following petitions, which were ordered printed in the Journal:

Preambles and resolutions in favor of an appropriation by the State Legislature for the California Polytechnic School.

WHEREAS, The State Legislature at its last session made an appropriation of \$50,000 for the purpose of establishing the California Polytechnic School at San Luis Obispo; and

WHEREAS, The Trustees of said school have purchased a suitable site of 280 acres near the City of San Luis Obispo at a cost of \$7,800, and are expending the remainder of said appropriation for the erection of buildings; and

WHEREAS, The Trustees have determined to make the study and practice of agriculture in its various branches, of domestic science, carpentry, blacksmithing, and other industrial trades particularly suited for country communities, the leading features of said school; and

WHEREAS, The Trustees have estimated that an additional sum of \$100,000 will be needed for the next two years to erect other necessary buildings and carry on the work of the school, and have asked the Legislature for such an appropriation; and

WHEREAS, We believe that the establishment and liberal maintenance of said school will be of inestimable value for the practical education of boys and girls who reside in the country; be it therefore

Resolved, That we petition the Legislature to make the desired appropriation for the further equipment and maintenance of the California Polytechnic School; and be it further

Resolved, That these preambles and resolutions be sent to each of our representatives in the Legislature and to the Governor.

A. D. BISHOP, President,
ROY K. BISHOP, Secretary,
Santa Ana Farmers' Club.

SAN FRANCISCO, February 13, 1903.

The President of the Senate, Sacramento, Cal.:

DEAR SIR: The United States Surveyor-General, custodian of the Spanish archives of California, has been instructed by the Secretary of the Interior to pack and ship to the Librarian of Congress all the Spanish documents in his possession other than those relating specially to the land titles of California.

These papers, comprising perhaps 200,000 manuscripts, are distinctly local in character, and bear almost exclusively upon the foundation and early history of the States and Territories of the Pacific Coast. They are as much a part of California and the Pacific Coast as the Massachusetts archives are of Massachusetts and New England. Had California been one of the original States of the Union, these volumes would have been the property of the State; but California was a conquered province, and the archives became the property of the General Government. The title of the United States to the records is clear and undisputed, but to remove them from San Francisco to the City of Washington would work a great hardship to the student of Pacific Coast history without a corresponding benefit to the general student. The manuscripts are constantly being examined by both students and writers of Pacific Coast history, and for the purpose of facilitating this work the keeper of the archives has been engaged for more than three years past in preparing an index to the volumes, and about one third of them now contain a brief synopsis in English of the contents of each document. Without this index the matter contained in the volumes is lost to the ordinary searcher, because of the very defective manner in which the manuscripts have been classified and bound.

These documents have furnished writers with material for the history of the Pacific States and Territories; many local items of historical interest have been given to the public, and other specialized work of larger scope is being prepared for publication. The undersigned have made research among these archives and have personal knowledge of the facts stated.

We respectfully submit that all educational institutions, societies, libraries, and clubs; all officials and the entire community of the Pacific States are interested in keeping these valuable archives within reach, and we earnestly request all to whom this letter may come to take such action as they may deem proper to prevent the removal of the

manuscripts, either by letter to the Secretary of the Interior, requesting him to rescind his order, or by urging the Senators and Representatives in Congress to use their influence to that end, or by both methods.

As the order of the Secretary is peremptory in its terms, any action to be effective must be immediate.

Very respectfully,

GEORGE DAVIDSON,
President Geographical Society of Pacific.
ZOETH S. ELDRIDGE.

I would respectfully suggest a joint resolution requesting the Secretary to waive his claim and leave the archives in California.

Z. S. ELDRIDGE.

JACKSON MINERS' UNION, No. 115,
JACKSON, AMADOR CO., CAL., February 14, 1903. }

The Honorable ALDEN ANDERSON, Sacramento, California:

DEAR SIR: In answer to a telegram from Union Labor Senator Harry Bunkers urging immediate action, we present the following petition:

We, the miners of this district, do hereby petition you to give your sanction and support to Senate Bills Nos. 304, 314, and 214.

With assurances of our gratitude for all favors you may grant us, we are

Yours respectfully,

W. P. EVARTS, Editor Amador County Miners' Union.
HUGO GOBISH, President,
A. L. COSET, Financial Secretary,
J. J. DALO, Treasurer,
Jackson Miners' Union, No. 115, Western Federation of Miners.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 260—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for non-payment of taxes.

Also: Assembly Bill No. 224—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

Also: Assembly Bill No. 138—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort.

Also: Assembly Bill No. 681—An Act making an appropriation to pay a deficiency in the costs and expenses of suit fund of the Attorney-General's office of California for the fifty-second and fifty-third fiscal years.

Also: Assembly Bill No. 612—An Act making an appropriation of \$4,310.76 for transportation of officers and members of the National Guard of California.

CLIO LLOYD, Chief Clerk.

Senate Bill No. 260 ordered to enrollment.

Assembly Bill No. 224 read first time, and referred to Committee on Education.

Assembly Bill No. 138 read first time, and referred to Committee on Finance.

Assembly Bill No. 681 read first time, and referred to Committee on Finance.

Assembly Bill No. 612 read first time, and referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment Number Two (2)—Relating to courts of

appeal—have had the same under consideration, and respectfully report the same back, and recommend that committee substitute therefor do pass.

WARD, Chairman.

Senate Constitutional Amendment No. 2 ordered on file.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 296—An Act to provide for the better protection of child-life as against the issuance to parents or guardians any insurance or certificate of insurance on the life or death of a child under the age of thirteen years in the State of California.

Also: Senate Bill No. 376—An Act regulating the use of trade union labels upon printed matter furnished by or for the State of California.

Also: Senate Bill No. 377—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles, or jars, making it a misdemeanor, and providing penalties for the violation thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FRENCH, Chairman.

Senate Bills Nos. 296, 376, and 377 ordered on file.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 13, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 247—An Act entitled "An Act to provide for the appointment of a County Live-Stock, Dairy, Food and Sanitary Inspector, prescribing his duties, powers, and compensation"—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass as amended.

BYRNES, Chairman.

Senate Bill No. 247 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 188—An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Also: Senate Bill No. 17—An Act amending the Civil Code of the State of California by adding thereto a new section, numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation, owning any railroad in this State, of its property and franchises, or any part thereof, to any railroad company, whether organized under the laws of this State or of any other State or Territory, or under any Act of Congress, and describing the conditions and penalties under which such property and franchises so sold may thereafter be operated and used.

Also: Senate Bill No. 250—An Act to amend Section 1366 of the Political Code of the State of California, relating to primary elections.

Also: Senate Bill No. 81—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this Act, and prescribing the duties of such boards; and providing when proceedings under this Act shall be admissible in evidence.

Also: Senate Bill No. 143—An Act regulating the hours of service on regular duty by members of the police department of cities of the first class, cities and counties, cities of the first and one half class, and cities of the second class.

Also: Senate Bill No. 97—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 16th day of February, 1903, at eleven o'clock and twenty minutes A. M.

Also: Your committee begs leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 352—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said Code by an Act approved March 23, 1901.

Senate Bill No. 88—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Committee Substitute for Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements and undertakings in contravention of this Act, and providing remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water.

Senate Bill No. 369—An Act to establish a uniform system to enable towns or municipalities of certain classes or districts to form water districts.

Senate Bill No. 196—An Act to amend Section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent.

Senate Bill No. 512—An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the settlements of estates of deceased persons, allowance of necessary expenses in the settlement of the estate, including premiums paid for official bonds.

Senate Bill No. 510—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain and staying proceedings on judgment therein.

Senate Bill No. 468—An Act to provide for the payment by the State, or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

Senate Bill No. 430—An Act to amend Section 4161 of the Political Code, relating to public moneys in the hands of the County Treasurer.

Senate Bill No. 222—An Act to pay the claim of Tiley L. Ford, and making an appropriation therefor.

Senate Bill No. 349—An Act to pay the claim of H. M. Sitton and to make an appropriation therefor, for the sum of \$1,856.78 on bond of the State of California, number 592, issued July 9, 1858.

Senate Bill No. 319—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

Senate Bill No. 151—An Act to amend Sections 10 and 11 of an Act to provide for the organization and management of county fire insurance companies.

Senate Bill No. 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

HUBBELL, Chairman.

Senate Bills Nos. 352, 88, 369, 196, 512, 510, 468, 430, 222, 349, 319, 151, 389, and Committee Substitute for Senate Bill No. 199 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 47—An Act to appropriate \$8,000 for the extension of the laundry building and purchase of additional machinery therefor, for the purchase and erection of new boilers, for the construction of a reservoir and pipe-line for domestic water supply for the Southern California State Hospital—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

DEVLIN, Chairman.

Assembly Bill No. 47 ordered on file.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WELCH, Chairman.

Senate Bill No. 520 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Hubbell: Senate Bill No. 606—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as section twenty-five and one half, relating to the powers of Boards of Supervisors to lay out, establish, improve and maintain public boulevards.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 607—An Act to amend Section 1415 of the Civil Code of the State of California, relating to the appropriation and notice of appropriation of water.

Bill read first time, and referred to Committee on Irrigation.

By Senator Shortridge: Senate Bill No. 608—An Act supplemental to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, concerning the resignation, relinquishment or surrender of rights, powers, privileges, and duties reserved to or vesting in the founder, or founders, surviving founder, or wife or widow of any founder, of any institution created or founded under or pursuant to said Act, and concerning the assumption and exercise of powers and duties by the trustee or trustees of such institution.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lukens: Senate Bill No. 609—An Act to amend the Political Code of the State of California by amending Sections 1521 and 1650, relating to the powers and duties of the State Board of Education and of its clerk.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lardner: Senate Bill No. 610—An Act amending Sections 3924 and 3927 of the Political Code of the State of California, relating to the boundary lines between the counties of Placer and El Dorado.

Bill read first time, and referred to Committee on County Government.

By Senator Ralston: Senate Bill No. 611—An Act to add a new section to the Code of Civil Procedure of the State of California, to be designated as Section 1663½, providing for partial distribution to assignee of heir, devisee, or legatee.

Bill read first time, and referred to Committee on Judiciary.

By Senator Diggs: Senate Bill No. 612—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as Section 3449½ of Title VIII, Article II, relating to public lands.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Nelson: Senate Bill No. 613—An Act to appropriate the sum of \$833.82 to pay the claim of Edward Fanning for money due and owing the said Edward Fanning from the State of California.

Bill read first time, and referred to Committee on Finance.

By Senator Flint: Senate Bill No. 614—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 47 thereof.

Bill read first time, and referred to Committee on County Government.

By Senator Rowell: Senate Bill No. 615—An Act to amend Section 3 of an Act for the protection of horticulture and to prevent the introduction into this State of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act.

Bill read first time, and, on motion of Senator Rowell, ordered on file without reference to committee.

By Senator Oneal: Senate Bill No. 616—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations and to the increase or diminution of the capital stock of corporations and to the creation or increase of bonded indebtedness of corporations and to the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Bill read first time, and referred to Committee on Corporations.

By Senator Luchsinger: Senate Bill No. 617—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 883½, relating to trial by jury in justices' courts.

Bill read first time, and referred to Committee on Judiciary.

By Senator Pendleton: Senate Bill No. 618—An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvement.

Bill read first time, and referred to Committee on Municipal Corporations.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 298—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402½, relating to the furnishing and erecting of unsafe and improper scaffolding or mechanical contrivances.

Read third time.

Bill having been referred to Committee on Judiciary, the following report by the committee was submitted:

Amend the title of Senate Bill No. 298 by striking out all of the words following the words "relating to" in line four, and inserting in lieu thereof the word "misdemeanors."

Also, further amend the title by striking out in line four thereof the words "three quarters," and inserting in lieu thereof the letter "a."

Also, in line one of the bill strike out the fraction " $\frac{3}{4}$," and insert in lieu thereof the letter "a."

Also, add the following after the enacting clause:

"SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be numbered 402a, and to read as follows."

Report read and adopted.

Senator French moved to refer to Senator Luchsinger, as a special committee of one, to amend in accordance with the report of the Committee on Judiciary, as follows:

Amend the title of Senate Bill No. 298, by striking out all of the words following the words "relating to" in line four, and inserting in lieu thereof the word "misdemeanors."

Also, further amend the title by striking out in line four thereof the words "three quarters," and inserting in lieu thereof the letter "a."

Also, in line one of the bill strike out the fraction $\frac{3}{4}$, and insert in lieu thereof the letter "a."

Also, add the following after the enacting clause:

"SECTION 1. A new section is hereby added to the Penal Code of the State of California, to be numbered 402a, and to read as follows."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 298, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bill No. 405 having been set as a special order for this day, the same was taken up, on motion of Senator Smith.

Senate Bill No. 405—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 11, 1901.

Read third time.

Senator Lukens moved to refer to Senator Knowland, as a special committee of one, to amend as follows:

By striking out of section one, line eleven, the words "shall in its discretion," and inserting the word "must."

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 405 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Diggs, Greenwell, Hubbell, Lardner, Leavitt, Nelson, Oneal, Pendleton, Ralston, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—23.

NOES—Senators French, Knowland, Lukens, and Rowell—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 160—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of this State.

Read third time.

On motion of Senator Welch, bill passed on file, to retain place on file.

Senate Bill No. 425—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

On motion of Senator Knowland, bill re-referred to Committee on Banking.

Senate Bill No. 196—An Act to amend Section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 196 passed by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Corlett, Devlin, Diggs, French, Hubbell, Knowland, Lardner, Luchsinger, Nelson, Ralston, Rowell, Selvage, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—21.

NOES—Senators Caldwell and Savage—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 352—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said code by an Act approved March 23, 1901.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 352 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Ralston, Rowell, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 372—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Read third time.

On motion of Senator Luchsinger, bill passed on file, to retain place on file.

Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 13 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY. *

On motion of Senator Oneal, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 84—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals.

Also: Adopted Assembly Joint Resolution No. 9—Relative to instructing our Senators and Representatives in Congress relating to increasing the National Navy.

Also: Passed Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Also: Assembly Bill No. 300—An Act to amend Section 1817 of the Political Code, relating to the duties of County Superintendents of Schools.

Also: Assembly Bill No. 187—An Act to appropriate the sum of \$5,000 to pay the amount of a judgment against the State of California and in favor of Robert Y. Hayne, with the interest thereon from the entry of said judgment to the time this Act takes effect, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Also: Assembly Bill No. 35—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876.

Also: Assembly Bill No. 444—An Act to amend Sections 410, 412, 413, and 415 of the Code of Civil Procedure, all relating to the service of summons in civil actions.

Also: Concurred in Senate amendments to Assembly Joint Resolution No. 1—Relative to the construction of restraining dams and diverting canals on the Bear and American rivers.

Also: Concurred in Senate amendments to Assembly Bill No. 536—An Act to amend and re-enact Section 1265 of the Political Code, relating to election ballots, their custody after election, and their final destruction.

Also: Adopted Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State of California, by adding a new section thereto, to be numbered Section 10½, in relation to revenue and taxation.

Also: Passed Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Also: Assembly Bill No. 124—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California.

Also: Assembly Bill No. 383—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

Also: Assembly Bill No. 382—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

Also: Assembly Bill No. 164—An Act to amend Title XVI of Part IV of Division 1 of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI, to take the place thereof in said Code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Also: Assembly Bill No. 120—An Act to add a new section to the Civil Code, numbered 636a, relating to voluntary withdrawals of stock from land and building corporations (also called building and loan associations).

Also: Assembly Bill No. 119—An Act to add a new section to the Civil Code, numbered 634a, relating to the capital stock of land and building corporations, also called building and loan associations, to the impairment of such stock and to the insolvency of such associations.

Also: Assembly Bill No. 65—An Act to amend Section 685 of the Code of Civil Procedure, relating to executions.

Also: Assembly Bill No. 424—An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers or the officers and employes of State institutions.

CLIO LLOYD, Chief Clerk.

Senate Bill No. 84 ordered to enrollment.

Assembly Joint Resolution No. 9 referred to Committee on Federal Relations.

Assembly Bill No. 126 read first time, and referred to Committee on Finance.

Assembly Bill No. 300 read first time, and referred to Committee on Education.

Assembly Bill No. 187 read first time, and on motion of Senator Oneal was ordered on file without reference to committee.

Assembly Bill No. 35 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 444 read first time, and referred to Committee on Judiciary.

Assembly Constitutional Amendment No. 17 referred to Committee on Constitutional Amendments.

Assembly Bill No. 18 read first time, and referred to Committee on Finance.

Assembly Bill No. 124 read first time, and referred to Committee on Finance.

Assembly Bill No. 383 read first time, and referred to Committee on Education.

Assembly Bill No. 382 read first time, and referred to Committee on Education.

Assembly Bill No. 164 read first time, and referred to Committee on Corporations.

Assembly Bill No. 120 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 119 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 65 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 424 read first time, and referred to Committee on Labor and Capital.

WITHDRAWAL OF BILLS.

Senator Byrnes asked for and was granted unanimous consent to withdraw Senate Bill No. 3—An Act to appropriate the sum of \$5,487 to pay the amount of a judgment against the State of California, and in favor of Robert Y. Hayne, with the interest thereon from the entry of said judgment to the time this Act takes effect, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Hubbell asked for and was granted unanimous consent to withdraw Senate Bill No. 44—An Act to appropriate \$8,000 for the extension of the laundry building and purchase of additional machinery therefor, for the purchase and erection of new boilers, for the construction of a reservoir and pipe-line for domestic water supply for the Southern California State Hospital—and to substitute therefor on file Assembly Bill No. 47—An Act to appropriate \$8,000 for the extension of the laundry building and purchase of additional machinery therefor; for the purchase and erection of new boilers; for the construction of a reservoir and pipe-line for domestic water supply for the Southern California State Hospital.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Hubbell:

Resolved, That Assembly Bill No. 47 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—32.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 47—An Act to appropriate \$8,000 for the extension of the laundry building and purchase of additional machinery therefor; for the purchase and erection of new boilers; for the construction of a reservoir and pipe-line for domestic water supply for the Southern California State Hospital.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 47 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Rowell, Savage, Selva, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Corlett:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of J. Louis Martin, Sergeant-at-Arms, for the sum of \$100, to be expended in the purchase of postage stamps, to be used by the press mailing clerks in mailing matter for Senators.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of B. M. Poore for the sum of \$40, for services rendered the Senate of the State of California, the same to be paid out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Devlin, Diggs, Emmons, French, Greenwell, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Savage, Shortridge, Tyrrell of San Francisco, Welch, Williams, Wolfe, and Woodward—24.

NOES—None.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 33—An Act to amend the Civil Code by adding two new sections thereto, to be numbered 131 and 132, to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

Read third time.

Senator Lukens moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

Amend by striking out all of section three.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 33, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

Report of special committee of one and amendment adopted.

Bill ordered to print and on file for final passage.

Assembly Bill No. 484—An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20 $\frac{1}{2}$, relating to the employment of special counsel.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 484 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Emmons, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 170—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 170 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Corlett, Curtin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 157—An Act to amend Section 1758 of the Code of Civil Procedure of the State of California, relating to testamentary guardians.

Read third time.

The question being on the passage of the bill.

The roll was called; and Assembly Bill No. 157 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

Read third time.

On motion of Senator Knowland, was referred to Committee on Public Health and Quarantine, to be reported back by Wednesday, February 18, 1903, at ten o'clock A. M.

Assembly Bill No. 232—An Act to appropriate the sum of \$2,000 to pay for stationery, fuel, lighting, and other necessary supplies for the Legislature and State officers, to be used during the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 232 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Corlett, Curtin, Devlin, Emmons, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 3—Relative to the House of Representatives Bill No. 14,443, pertaining to a National Conservatory of Music and Art.

During the reading of joint resolution, the following amendment was submitted by the committee:

Amend by striking out the words "and instruct our Senators," on lines three and four, first page, printed bill.

The question being on the adoption of the committee amendment.

The ayes and noes were demanded by Senators Hahn, Shortridge, and Ralston.

The roll was called, and the amendment adopted by the following vote:

AYES—Senators Byrnes, Coggins, Corlett, Curtin, Devlin, Flint, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Lukens, Muenter, Nelson, Ralston, Rowell, Sanford, Selva, Tyrrell of San Francisco, Ward, and Woodward—22.

NOES—Senators Bauer, Caldwell, Hubbell, Luchsinger, Oneal, Pendleton, Plunkett, Savage, Shortridge, Smith, Williams, and Wolfe—12.

Joint resolution ordered to print.

MOTION TO RECONSIDER.

In compliance with his notice given on Friday, February 13, 1903, Senator Smith moved that the vote whereby Senate Bill No 406—An Act to amend an Act entitled "An Act to establish a Penal Code" by adding a new section thereto, to be numbered 625a, relating to unlawful interferences with public fire alarms—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Curtin, Flint, French, Hahn, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—26.

NOES—None.

The vote whereby Senate Bill No. 406 was refused passage, having been reconsidered, the bill was taken up for consideration.

Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Penal Code" by adding a new section thereto, to be numbered 625a, relating to unlawful interferences with public fire alarms.

Senator Smith moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

By striking out of section one, lines nine and ten, the words "by imprisonment in the state prison, not exceeding five years, or."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 406, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 207—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 207 passed by the following vote:

AYES—Senators Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—32.

NOES—Senators Bauer and Shortridge—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Rowell, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed (as a case of urgency) Assembly Bill No. 808—An Act to amend Section 3

of an Act for the protection of horticulture, and to prevent the introduction into the State of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act.

Also: Assembly Bill No. 275—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Also: Assembly Bill No. 111—An Act to provide for the taking of depositions of non-resident witnesses by oral examination.

Also: Assembly Bill No. 21—An Act relating to ferries across navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers and to pay the expense thereof.

Also: Assembly Bill No. 301—An Act to amend Section 1818 of the Political Code, relating to the duties of Boards of Supervisors levying county school tax.

Also: Assembly Bill No. 332—An Act to provide for the change of name of school districts and the manner of making such change.

Also: Assembly Bill No. 70—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California, for damage sustained by the breakage of Fremont Street Wharf, in the City and County of San Francisco.

Also: Assembly Bill No. 371—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899.

Also: Assembly Bill No. 318—An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage by the State Board of Examiners, and to appropriate money therefor.

Also: Assembly Bill No. 409—An Act to amend the Civil Code by adding an additional section to Chapter II, Title II, to be numbered Section 231, relating to adoption.

Also: Adopted Assembly Joint Resolution No. 8—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

CLIO LLOYD, Chief Clerk.

Assembly Bill No. 808 read first time.

Assembly Bill No. 275 read first time, and referred to Committee on Finance.

Assembly Bill No. 111 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 21 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 301 read first time, and referred to Committee on County Government.

Assembly Bill No. 332 read first time, and referred to Committee on Education.

Assembly Bill No. 70 read first time, and referred to Committee on Finance.

Assembly Bill No. 371 read first time, and referred to Committee on Finance.

Assembly Bill No. 318 read first time, and referred to Committee on Finance.

Assembly Bill No. 409 read first time, and referred to Committee on Judiciary.

Assembly Joint Resolution No. 8 referred to Committee on Federal Relations.

CONSIDERATION OF ASSEMBLY BILL.

Senator Rowell asked for and was granted unanimous consent to take up for immediate consideration Assembly Bill No. 808—An Act to amend Section 3 of "An Act for the protection of horticulture and to prevent the introduction into this State of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act."

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

Resolved, That Assembly Bill No. 808 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second time this day.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—30.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 808—An Act to amend Section 3 of "An Act for the protection of horticulture and to prevent the introduction into this State of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act."

During second reading of bill, the following amendments were offered:
By Senator Rowell:

Amend as follows, by striking out of section one, line one, the words "is amended to read as follows," and inserting the following: "of an Act entitled an Act for the protection of horticulture, and to prevent the introduction into this State of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act, which became a law under constitutional provision, without Governor's approval, March 11, 1899, is hereby amended so as to read as follows."

Amendment adopted.

Also: Amend the title by adding after the word "Act," in the last line, the following: "which became a law under constitutional provision, without Governor's approval, March 11, 1899."

Amendment adopted.

Bill read second time, ordered to print and third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 13, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 371—An Act making an appropriation to pay the claim of H. W. Randal for the reward offered by the State of California for the arrest of Josef E. Blanthier, for murder—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DEVLIN, Chairman.

Senate Bill No. 371 ordered on file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Bauer:

Resolved, That the sum of \$223.20 be and the same is hereby appropriated out of the Contingent Fund of the Senate to pay the traveling expenses of members of committee

in visiting and examining the Ukiah State Hospital at Mendocino, Home of Feeble-Minded at Glen Ellen, Veterans' Home at Yountville, and Napa State Hospital, under authority of resolution adopted by this body, and that the State Controller is hereby directed to draw his warrant to the order of H. A. Bauer, chairman of this committee, for said sum and the State Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 382—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 382 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Muentner, Nelson, Plunkett, Rowell, Sanford, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 24—An Act to appropriate the sum of \$250 to pay the claim of Thomas D. Riordan against the State of California for professional services and advice in the case of D. B. Murphy vs. Charles F. Curry, Secretary of State, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the State Board of Examiners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 24 passed by the following vote:

AYES—Senators Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 225—An Act to add a new section to the Penal Code, to be numbered —, relating to the regulation of the marketing, identifying, manufacturing, and sale of products of crude petroleum used for illuminating and fuel purposes.

Read third time.

Senator Ralston moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by striking out the figures "625½" in line three, section one, and inserting in lieu thereof the figures "401."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 225, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendment, adopted.

Senator Ralston moved to refer to Senator Savage, as a special committee of one, to amend as follows:

Strike out the words "or fuel" in line four, section one.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 225, with instructions to amend, respectfully reports the same back, amended as per instructions.

SAVAGE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 116—An Act to amend Section 11 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the annual renewal of the card or insignia of said board.

Read third time.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Pendleton moved a call of the Senate.

Motion carried.

Time, four o'clock and five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muenter, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrell of San Francisco, Ward, Williams, Wolfe, and Woodward—32.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At four o'clock and ten minutes P. M., Senator Corlett was brought to the bar of the Senate, and, on motion of Senator Pendleton, was excused for absence from the Senate chamber.

At four o'clock and twelve minutes P. M., Senator Lukens was brought to the bar of the Senate, and, on motion of Senator Caldwell, was excused for absence from the Senate chamber.

At four o'clock and twenty-nine minutes P. M., Senator Oneal was brought before the bar of the Senate, and, on motion of Senator Leavitt, was excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and thirty minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President announced that Senate Bill No. 116 was passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Curtin, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Oneal, Pendleton, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Wolfe, and Woodward—21.

NOES—Senators Coggins, Corlett, Devlin, Diggs, Emmons, Flint, French, Luchsinger, Nelson, Ralston, Rowell, Savage, Ward, and Williams—14.

Title read and approved.

Bill ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Wolfe: Senate Bill No. 619—An Act regulating the quality of illuminating gas manufactured and sold by any corporation or person, and fixing a forfeiture for failure to comply with the provisions of this Act.

Bill read first time, and referred to Committee on Corporations.

By Senator Sanford: Senate Joint Resolution No. 10—Requesting the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution, providing for the election of United States Senators by a direct vote of the people.

Referred to Committee on Federal Relations.

By Senator Leavitt: Senate Bill No. 620—An Act to amend Section 22 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds."

Bill read first time, and referred to Committee on Public Health and Quarantine.

Also: Senate Bill No. 621—An Act making an appropriation to pay the claim of James L. McCarthy against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 622—An Act entitled "An Act establishing and declaring the population of the counties of the State of California."

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 623—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Corlett: Senate Bill No. 624—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889,

and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines, who served in the army and navy of the United States, approved March 23, 1901.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Wolfe: Senate Bill No. 625—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Bill read first time, and referred to Committee on Finance.

By Senator Lukens: Senate Bill No. 626—An Act making an appropriation to pay a judgment for the sum of \$600.00, rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled Julia H. Jones, Plaintiff, versus The State of California, defendant, numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No. 67 of Department Eight of said Superior Court, at page 575.

Bill read first time, and referred to Committee on Finance.

By Senator Emmons: Senate Bill No. 627—An Act to prevent injury to oil or petroleum bearing strata or formations by the infiltration or intrusion of water therein.

Bill read first time, and referred to Committee on Mining.

By Senator French: Senate Bill No. 628—An Act to pay the claim of F. Marion Wells against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

RECESS.

At four o'clock and thirty-eight minutes P. M., on motion of Senator Wolfe, the President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Ralston, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Welch, and Williams—24.

CONSIDERATION OF SPECIAL ORDER.

The consideration of file of Code Revision Bills having been set as a special order for this hour, the same was taken up.

Senate Bill No. 226—An Act to amend Sections 367, 375, 376, 377, 386, 387, 388, and 389 of the Code of Civil Procedure, and to repeal Section 390, all relating to parties to civil actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 227—An Act to amend Sections 325, 328, 352, 355, and 362 of the Code of Civil Procedure, and to add thereto a new section, to be numbered 329, all relating to the time of commencing actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 228—An Act to amend Sections 280, 281, and 287 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 300, all relating to attorneys and counselors at law.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 229—An Act to amend Sections 198 and 199 of the Code of Civil Procedure, both relating to jurors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 230—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 231—An Act to repeal Sections 156, 157, and 161 of the Code of Civil Procedure, relating to the eligibility of judicial officers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 232—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 233—An Act to amend Section 91 of the Code of Civil Procedure, relating to justices' courts in cities and counties.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 234—An Act to repeal Sections 33 to 55, both inclusive, and Sections 65 to 79, both inclusive, of the Code of Civil Procedure, relating to courts of justice.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 276—An Act to amend Sections 681, 682, 687, 688, and 689, of the Code of Civil Procedure, all relating to executions in civil cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 277—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 278—An Act to amend Sections 656, 658, 659, 660, 661, and 663½ of the Code of Civil Procedure, all relating to new trials.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 279—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 280—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 281—An Act to add a new section to the Code of Civil Procedure, to be numbered 635, relating to trials of questions of fact by the court.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 282—An Act to amend Sections 581 and 585 of the Code of Civil Procedure, and to add two new sections thereto, to be numbered 582 and 583, all relating to judgments.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 283—An Act to amend Section 631 of the Code of Civil Procedure, relating to the waiver of trial by jury.

During second reading of bill, the following amendment was offered:
By Senator Selva:

On page one, section one, lines one and two, strike out the words: "Section 1. Section six hundred and thirty-one of the Code of Civil Procedure is hereby amended to read as follows:" as it appears the first time.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 284—An Act to amend Sections 602, 608, 612, and 615 of the Code of Civil Procedure, all relating to jury trials.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 285—An Act to amend Section 731 of the Code of Civil Procedure, relating to nuisances.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 286—An Act to amend Sections 728 and 729 of the Code of Civil Procedure, both relating to sales in actions to foreclose mortgages.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 287—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 288—An Act to amend Section 700 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 700a, both relating to execution sales.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 408—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 409—An Act to amend Section 408 of the Code of Civil Procedure, relating to the summons in civil cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 410—An Act to amend Section 409 of the Code of Civil Procedure, relating to notice of the pendency of civil actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 411—An Act to amend Sections 410, 412, 413, and 415 of the Code of Civil Procedure, all relating to the service of summons in civil actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 412—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, 469, 472, and 476, and to repeal Section 432 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 413—An Act to add two new sections to the Code of Civil Procedure, relating to actions for libel and slander, to be numbered 417 and 418.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 414—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 415—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 416—An Act to amend Sections 538, 539, 542, 553, 554, 555, and 558 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 417—An Act to amend Sections 566, 567, and 569 of the Code of Civil Procedure, all relating to receivers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 418—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposits in court.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 432—An Act to amend Sections 738 and 740 of the Code of Civil Procedure, both relating to actions to determine conflicting claims to real property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 433—An Act to repeal Chapters I, II, and III of Title XIII of Part II of the Code of Civil Procedure, and each and every section of said Chapters I, II, and III, and to substitute new Chapters I, II, and III to take the place thereof in said code, relating to appeals in civil actions.

During second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 433.

An Act to repeal Chapters I, II, and III of Title XIII of Part II of the Code of Civil Procedure, and each and every section of said Chapters I, II, and III, and to substitute new Chapters I, II, and III to take the place thereof in said code, relating to appeals in civil actions.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapters I, II, and III of Title XIII of Part II of the Code of Civil Procedure and each and every section of said chapters are hereby repealed, and new chapters I, II, and III are substituted to take the place thereof in said code, to read as follows:

CHAPTER I.

APPEALS IN GENERAL.

Sec. 934. Judgments and orders may be reviewed.

Sec. 935. Vacating and modifying orders when made out of court and without notice.

Sec. 936. Who may appeal.

Sec. 937. The effect of the appeal and the giving of security.

Sec. 938. Administrators, executors, and guardians, bonds of stand as security.

Sec. 938a. Effect of the reversal of an order appointing an administrator, executor or guardian.

934. A judgment or order in a civil action, except when expressly made final by this code, may be reviewed as prescribed in this title, and not otherwise.

935. An order made out of court, without notice to the adverse party, may be vacated or modified without notice, by the judge who made it; or may be vacated or modified on notice, in the manner in which other motions are made.

936. Any party aggrieved may appeal in the cases prescribed in this title. The party appealing is known as the appellant, and the adverse party as the respondent.

937. Whenever an appeal is perfected, as provided in this chapter, it stays all further proceedings in the court below upon the judgment or order appealed from, or upon the matters embraced therein, and releases from levy property which has been levied upon under execution issued upon such judgment; but the court below may proceed upon any other matter embraced in the action and not affected by the order (or judgment) appealed from. And the court below may, in its discretion, dispense with or limit the security required by this chapter, when the appellant is an executor, administrator, trustee, or other person acting in another's right. An appeal does not continue in force an attachment unless an undertaking is executed and filed on the part of the appellant, by at least two sureties, in double the amount of the debt claimed by him, that the appellant will pay all costs and damages which the respondent may sustain by reason of the attachment, in case the order or judgment of the court below is sustained; nor, unless, within five days after the entry of the order appealed from, such appeal is perfected, in which case the attachment is continued in force in the same manner as if such order had not been made, or such judgment given.

938. When an executor, administrator, or guardian who has given an official bond, appeals from a judgment or order made in the proceedings had upon the estate of which he is executor, administrator, or guardian, his official bond stands in the place of an undertaking on appeal; and the sureties thereon are liable as on such undertaking.

938a. When the judgment or order appointing an executor, administrator, or guardian, is reversed on appeal, for error, and not for want of jurisdiction of the court, all lawful acts in administration upon the estate performed by such executor, administrator, or guardian, if he has qualified, are as valid as if such judgment or order had been affirmed.

CHAPTER II.

APPEALS TO THE SUPREME COURT.

Sec. 939. When and from what an appeal may be taken.

Sec. 940. Appeal, how may be taken.

Sec. 941. Security or undertaking.

Sec. 942. Undertaking or security to stay a judgment for money.

Sec. 943. Undertaking or security to stay a judgment for the delivery of documents or personal property.

Sec. 944. Undertaking or security to stay a judgment for the execution of a conveyance.

Sec. 945. Undertaking or security to stay a judgment for the sale or delivery of possession of real property.

Sec. 946. Undertaking may be in one instrument or several.

Sec. 947. Justification of sureties on undertaking on appeal.

Sec. 948. Undertaking in cases not otherwise specified.

Sec. 949. Papers to be furnished and used on an appeal from a judgment.

- Sec. 950. What papers used on appeals from orders, except orders granting or refusing new trials.
- Sec. 951. What papers to be used on an appeal from an order granting or refusing a new trial.
- Sec. 952. Copies and undertakings, how certified.
- Sec. 953. When appeal may be dismissed. When not.
- Sec. 954. Effect of dismissal.
- Sec. 955. Action which may be taken by the supreme court.
- Sec. 956. Remedial powers of an appellate court.
- Sec. 957. On judgment on appeal, remittitur must be certified to the clerk of the court below.

939. An appeal may be taken to the supreme court, from a superior court, within the times herein specified in the following cases:

1. From a final judgment entered in an action, or special proceeding, commenced in a superior court, within six months after the entry of judgment. But an exception to the decision or verdict, on the ground that it is not supported by the evidence, cannot be reviewed on an appeal from the judgment, unless the appeal is taken within sixty days after the entry of the judgment;

2. From a final judgment entered in an action or special proceeding, brought into a superior court from an inferior court, in cases of forcible entry and detainer, and cases involving the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, within ninety days after the entry of such judgment;

3. From an order granting or refusing a new trial; from an order setting aside or vacating a judgment or decree; from an order granting or dissolving an injunction; from an order refusing to grant or dissolve an injunction; from an order appointing a receiver; from an order dissolving or refusing to dissolve an attachment; from an order granting or refusing to grant a change of the place of trial; from any special order made after final judgment; from an interlocutory judgment; and from an order confirming, changing, modifying, or setting aside, in whole or in part, a report of referees in actions for partition of real property in the cases mentioned in section seven hundred and sixty-three; within sixty days after the order or interlocutory judgment is made and entered in the minutes of the court;

4. From a judgment or order granting or refusing to grant, revoking or refusing to revoke, letters testamentary, or of administration, or of guardianship; or admitting or refusing to admit a will to probate, or against or in favor of the validity of a will, or revoking or refusing to revoke the probate thereof; or against or in favor of setting apart property, or making an allowance for a widow or child; or against or in favor of directing the partition, sale, or conveyance of real property, or settling an account of an executor, administrator, or guardian; or refusing, allowing, or directing the distribution or partition of an estate, or any part thereof, or the payment of a debt, claim, or legacy, or distributive share; or confirming or refusing to confirm a report of an appraiser or appraisers, setting apart a homestead; within sixty days after the order or decree is made and entered in the minutes of the court.

No appeal must be dismissed on the ground that it was taken before the judgment or order was entered, unless it further appears that at the taking of such appeal such judgment or order had not been by the court rendered, made or directed to be entered.

940. An appeal is taken by filing with the clerk of the court in which the judgment or order appealed from is entered, a notice stating the appeal from the same, or some specific part thereof, and serving a similar notice on the adverse party or his attorney. The order of service is immaterial, but the appeal is ineffectual for any purpose unless within five days after service of the notice of appeal, an undertaking is filed, or a deposit of money is made with the clerk, as hereinafter provided, or the undertaking is waived by the adverse party in writing. If the adverse party has not appeared either in person or by attorney, service upon him may be made by delivering a copy of the notice to the clerk of the court from which the appeal is taken.

Section 941. The undertaking on appeal must be in writing, and must be executed on the part of the appellant, by at least two sureties, to the effect that the appellant will pay all damages and costs which may be awarded against him on the appeal, or on a dismissal thereof, not exceeding three hundred dollars; or that sum must be deposited with the clerk with whom the judgment or order was entered, to abide the event of the appeal.

Section 942. If the appeal be from a judgment or order directing the payment of money, it does not stay the execution of the judgment or order unless a written undertaking be executed on the part of the appellant, by two or more sureties, to the effect that they are bound in double the amount named in the judgment or order; that if the judgment or order appealed from, or any part thereof, be affirmed, or the appeal be dismissed, the appellant will pay the amount directed to be paid by the judgment or order, or the part of such amount as to which the judgment or order is affirmed, if affirmed only in part, and all damages and costs which may be awarded against the appellant upon the appeal, and that if the appellant does not make such payment within thirty days after the filing of the remittitur from the Supreme Court in the court from which the appeal is taken, judgment may be entered on motion of the respondent in his favor against the sureties, for such amount, together with the interest that may be due thereon, and the damages and costs which may be awarded against the appellant upon the

appeal. If the judgment or order appealed from be for a greater amount than two thousand dollars, and the sureties do not state in their affidavits of justification accompanying the undertaking, that they are each worth the sum specified in the undertaking, the stipulation may be that the judgment to be entered against the sureties shall be for such amounts only as in their affidavits they may state that they are severally worth, and judgment may be entered against the sureties by the court from which the appeal is taken, pursuant to the stipulations herein designated. When the judgment or order appealed from is made payable in a specified kind of money or currency, the judgment entered against the sureties upon the undertaking must be made payable in the same kind of money or currency.

If the judgment or order appealed from appoint a receiver, the execution of the judgment or order cannot be stayed by appeal, unless a written undertaking be executed on the part of the appellant, with two or more sureties, to the effect that if such judgment or order be affirmed or the appeal dismissed, the appellant will pay all damages which the respondent may sustain by reason of such stay, not exceeding an amount to be fixed by the judge of the court by which the judgment was rendered or order made, which amount must be specified in the undertaking. If the judgment or order appealed from direct the sale of personal property upon the foreclosure of a mortgage thereon, the execution of the judgment or order cannot be stayed on appeal, unless an undertaking be entered into on the part of the appellant, with at least two sureties, in such amount as the court, or the judge thereof, may direct, to the effect that the appellant will, on demand, deliver the mortgaged property to the proper officer if the judgment be affirmed, or in default of such delivery that the appellant and sureties will, on demand, pay to the proper officer the full value of such property at the date of the appeal.

Section 943. If the judgment or order appealed from, direct the assignment or delivery of documents or personal property, the execution of the judgment or order cannot be stayed by appeal, unless the things required to be assigned or delivered be placed in the custody of such officer or receiver as the court may appoint, or unless an undertaking be entered into on the part of the appellant, with at least two sureties, and in such amount as the court, or a judge thereof, may direct, to the effect that the appellant will obey the order of the appellate court, upon the appeal.

Section 944. If the judgment or order appealed from, direct the execution of a conveyance or other instrument, the execution of the judgment or order cannot be stayed by the appeal until the instrument is executed and deposited with the clerk with whom the judgment or order is entered, to abide the judgment of the appellate court.

Section 945. If the judgment or order appealed from direct the sale or delivery of possession of real property, the execution of the same cannot be stayed, unless a written undertaking be executed on the part of the appellant, with two or more sureties, to the effect that during the possession of such property by the appellant, he will not commit, or suffer to be committed, any waste thereon, and that if the judgment be affirmed, or the appeal dismissed, he will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof, pursuant to the judgment or order, not exceeding the sum to be fixed by the judge of the court by which the judgment was rendered or order made, and which must be specified in the undertaking. When the judgment is for the sale of mortgaged premises, and the payment of a deficiency arising upon the sale, the undertaking must also provide for the payment of such deficiency.

Section 946. The undertakings prescribed by sections nine hundred and forty-one, nine hundred and forty-two, nine hundred and forty-three, and nine hundred and forty-five, may be in one instrument or several, at the option of the appellant.

Section 947. The adverse party may except to the sufficiency of the sureties to any of the undertakings mentioned in sections nine hundred and forty-one, nine hundred and forty-two, nine hundred and forty-three, and nine hundred and forty-five, at any time within thirty days after notice of the filing of such undertaking; and unless they or other sureties, within twenty days after the appellant has been served with notice of such exception, justify before a judge of the court below, or county clerk, upon five days' notice to the respondent of the time and place of justification, execution of the judgment, order, or decree appealed from is no longer stayed; and, if the undertaking is of the class mentioned in section nine hundred and forty-one, the appeal must be dismissed. In all cases where an undertaking is required on appeal by the provisions of this title, a deposit in the court below of the amount of the judgment appealed from, including an amount to be fixed by the court sufficient to cover interest thereon pending the appeal, and three hundred dollars in addition, is equivalent to filing the undertaking, and in all cases the undertaking or deposit may be waived by the written consent of the respondent.

Section 948. In cases not provided for in sections nine hundred and forty-two, nine hundred and forty-three, nine hundred and forty-four, and nine hundred and forty-five, the perfecting of an appeal by giving the undertaking or making the deposit mentioned in section nine hundred and forty-one, stays proceedings in the court below upon the judgment or order appealed from, except where it directs the sale of perishable property; in which case the court below may order the property to be sold and the proceeds thereof to be deposited, to abide the judgment of the appellate court. And except also, where it adjudges the defendant guilty of usurping, or intruding into, or unlawfully holding public office, civil or military, within this state. And except also, where the order grants, or refuses to grant, a change of the place of trial of an action.

Section 949. On an appeal from a final judgment, the appellant must furnish the court with a copy of the notice of appeal, of the judgment roll, and of any bill of exceptions upon which the appellant relies. Any statement, settled after the decision of a motion for a new trial, when the motion is made upon the minutes of the court, as provided in section six hundred and sixty-one, or any bill of exceptions settled, as provided in sections six hundred and forty-nine or six hundred and fifty, or used on motion for a new trial, may be used on appeal from a final judgment equally as upon appeal from the order granting or refusing the new trial.

Section 950. On appeal from a judgment rendered on an appeal, or from an order, except an order granting or refusing a new trial, the appellant must furnish the court with a copy of the notice of appeal, of the judgment or order appealed from, and of papers used on the hearing in the court below.

Section 951. On appeal from an order granting or refusing a new trial, the appellant must furnish the court with a copy of the notice of appeal, of the notice of intention to move for a new trial, of the order appealed from, and of the papers designated in section six hundred and sixty-one.

Section 952. The copies provided for in the last three sections must be certified to be correct by the clerk or the attorneys, and must be accompanied with a certificate of the clerk or attorneys that an undertaking on appeal, in due form, has been properly filed, or a stipulation of the parties waiving an undertaking.

Section 953. If the appellant fails to furnish the requisite papers, the appeal may be dismissed; but no appeal can be dismissed for insufficiency of the undertaking thereon, if a good and sufficient undertaking, approved by a justice of the supreme court be filed in the supreme court before the hearing upon motion to dismiss the appeal. When it is made to appear to the satisfaction of the court, or a judge thereof, from which the appeal was taken, that a surety or sureties upon an appeal bond from any cause has or have become insufficient, and the bond or undertaking inadequate as security for the payment of the judgment appealed from, the last-named court, or a judge thereof, may order the giving of a new bond with sufficient sureties, as a condition to the maintenance of the appeal. The said bond or undertaking must be approved by the last-named court, or a judge thereof; and in case said sureties fail to justify before said last-named court, or a judge thereof, or fail to comply with the order to appear and justify, execution may issue upon the judgment as if no undertaking to stay execution had been given.

Section 954. The dismissal of an appeal is in effect an affirmation of the judgment or order appealed from, unless the dismissal is expressly made without prejudice to another appeal.

Section 955. Upon an appeal from a judgment, the court may review the verdict or decision, and any intermediate order or decision excepted to, which involves the merits, or necessarily affects the judgment, except a decision or order from which an appeal might have been taken. When a judgment is reversed for error in refusing to grant a nonsuit or in refusing to direct a verdict, the appellate court may, in its discretion, direct the court below, without a new trial, to enter judgment of nonsuit or to enter judgment in favor of the party for whom a verdict should have been directed.

Section 956. When the judgment or order is reversed or modified, the appellate court may make complete restitution of all property and rights lost by the erroneous judgment or order, so far as such restitution is consistent with protection of a purchaser of property at a sale ordered by the judgment, or had under process issued upon the judgment, on the appeal from which the proceedings were not stayed; and for relief in such cases the appellant may have his action against the respondent, enforcing the judgment for the proceeds of the sale of the property, after deducting therefrom the expenses of the sale. When it appears to the appellate court that the appeal was made for delay, it may add to the costs such damages as may be just.

Section 957. When judgment is rendered upon the appeal, it must be certified by the clerk of the supreme court to the clerk with whom the judgment roll is filed or the order appealed from is entered. A copy of the opinion of the supreme court must be attached to the certificate. In cases of appeal from the judgment, the clerk with whom the roll is filed must attach the certificate to the judgment roll, and enter a minute of the judgment of the supreme court on the docket against the original entry. In cases of appeal from an order, the clerk must enter at length in the records of the court the certificate received, and minute against the entry of the order appealed from, a reference to the certificate, with a brief statement that such order has been affirmed, reversed, or modified by the supreme court on appeal.

CHAPTER III.

APPEALS TO THE SUPERIOR COURT.

Sec. 974. Appeal from judgment of justice's or police court.

Sec. 975. Transmission of papers to appellate court.

Sec. 976. Undertaking on appeal to the superior court.

Sec. 977. Stay of proceedings on filing undertaking.

Sec. 978. Powers of superior court on appeal.

974. Any party dissatisfied with a judgment rendered in a civil action in a police or justice's court, may appeal therefrom to the superior court of the county, at any time within thirty days after the notice of entry of the judgment. The appeal is taken by

filing a notice of appeal with the justice or judge, and serving a copy on the adverse party. The notice must state whether the appeal is taken from the whole or a part of the judgment, and if from a part, what part.

Section 975. Upon receiving the notice of appeal, and on payment of the fees of the justice or judge, payable on appeal and not included in the judgment, and filing an undertaking as required in the next section, the justice or judge must, within five days, transmit to the clerk of the superior court a certified copy of his docket, the pleadings, all notices, motions, and all other papers filed in the cause, the notice of appeal, and the undertaking filed; and the justice or judge may be compelled by the superior court, by an order entered upon motion, to transmit such papers, and may be fined for neglect or refusal to transmit the same. A certified copy of such order may be served on the justice or judge by the party or his attorney.

Section 976. An appeal from a justice's or police court where no stay of proceedings is claimed is not effectual for any purpose, unless an undertaking is filed with two or more sureties in the sum of one hundred dollars, for the payment of the costs on the appeal; or, if a stay of proceedings is claimed, in a sum equal to twice the amount of the judgment, including costs, when the judgment is for the payment of money; or twice the value of the property, including costs, when the judgment is for the recovery of specific personal property, and must be conditioned, when the action is for the recovery of money, that the appellant will pay the amount of the judgment appealed from, and all costs, if the appeal is withdrawn or dismissed, or the amount of any judgment and all costs that may be recovered against him in the action in the superior court. When the action is for the recovery of, or to enforce or foreclose a lien on, specific personal property, the undertaking must be conditioned that the appellant will pay the judgment and costs appealed from, and obey the order of the court made therein, if the appeal is withdrawn or dismissed, or any judgment and costs that may be recovered against him in said action in the superior court, and will obey any order made by the court therein. When the judgment appealed from directs the delivery of possession of real property, the execution of the same cannot be stayed unless a written undertaking is executed on the part of the appellant, with two or more sureties, to the effect that during the possession of such property by the appellant, he will not commit, or suffer to be committed, any waste thereon, and that if the appeal is dismissed or withdrawn or the judgment affirmed, or judgment be recovered against him in the action in the superior court, he will pay the value of the use and occupation of the property from the time of the appeal until the delivery of possession thereof, or that he will pay any judgment and costs that may be recovered against him in said action in the superior court, not exceeding a sum to be fixed by the justice of the court from which the appeal is taken, and which sum must be specified in the undertaking. A deposit of the amount of the judgment, including all costs, appealed from or of the value of the property, including all costs, in actions for the recovery of specific personal property, with the justice or judge, is equivalent to the filing of the undertaking, and in such cases the justice or judge must transmit the money to the clerk of the superior court, to be by him paid out on the order of the court. The adverse party may except to the sufficiency of the sureties within five days after the filing of the undertaking, and unless they or other sureties justify before the justice or judge within five days thereafter, upon notice to the adverse party, to the amounts stated in their affidavits, the appeal must be regarded as if no such undertaking had been given.

Section 977. If an execution be issued on the filing of the undertaking staying proceedings, the justice or judge must, by order, direct the officer to stay all proceedings on the same. Such officer must, upon payment of his fees for services rendered on the execution, thereupon relinquish all property levied upon, and deliver the same to the judgment debtor, together with all moneys collected from sales or otherwise. If his fees be not paid, the officer may retain so much of the property or proceeds thereof as may be necessary to pay the same.

Section 978. In all cases the action must be tried anew in the superior court, and the trial must be conducted in all respects as other trials in such courts, and all the provisions of this code as to amendments to pleadings are applicable therein. If the judgment on the appeal is more favorable to the appellant than that from which he appealed, he is entitled to recover all costs incurred by him after filing his notice of appeal, and is not liable for any costs incurred by the respondent after that time; and if such judgment is less favorable to him than that from which he appealed, he is entitled to recover no costs incurred after filing his notice of appeal, and is liable for any costs incurred by the respondent after that time. For a failure to prosecute an appeal, or unnecessary delay in bringing it to a hearing, the superior court, after notice, may order the appeal to be dismissed, with costs; and if it appears to such court that the appeal was taken solely for delay, it may add to the costs such damages as may be just, not exceeding twenty-five per cent of the judgment appealed from. Judgments rendered in the superior court on appeal have the same force and effect, and may be enforced in the same manner, as judgments in actions commenced in the superior court.

Section 977. If an execution be issued on the filing of the undertaking staying proceedings, the justice or judge must, by order, direct the officer to stay all proceedings on the same. Such officer must, upon payment of his fees for services rendered on the execution, thereupon relinquish all property levied upon, and deliver the same to the

judgment debtor, together with all moneys collected from sales or otherwise. If his fees be not paid, the officer may retain so much of the property or proceeds thereof as may be necessary to pay the same.

Section 978. In all cases the action must be tried anew in the superior court, and the trial must be conducted in all respects as other trials in such courts, and all the provisions of this code as to amendments to pleadings are applicable therein. If the judgment on the appeal is more favorable to the appellant than that from which he appealed, he is entitled to recover all costs incurred by him after filing his notice of appeal, and is not liable for any costs incurred by the respondent after that time; and if such judgment is less favorable to him than that from which he appealed, he is entitled to recover no costs incurred after filing his notice of appeal, and is liable for any costs incurred by the respondent after that time. For a failure to prosecute an appeal, or unnecessary delay in bringing it to a hearing, the superior court, after notice, may order the appeal to be dismissed, with costs; and if it appears to such court that the appeal was taken solely for delay, it may add to the costs such damages as may be just, not exceeding twenty-five per cent of the judgment appealed from. Judgments rendered in the superior court on appeal have the same force and effect, and may be enforced in the same manner as judgments in actions commenced in the superior court.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 434—An Act to amend Sections 832, 836, 845, 848, 849, 855, 859, 866, 867, 887, 892, 893, 895, 905, and 906, and to repeal Section 837 of the Code of Civil Procedure, all relating to civil actions in justices' courts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 435—An Act to amend Section 803 of the Code of Civil Procedure, relating to actions for the usurpation of an office or franchise.

During second reading of bill, the following amendment was offered:
By Senator Selvage:

On page one, section one, lines one and two, strike out the words: "Section eight hundred and three of the Code of Civil Procedure is hereby amended to read as follows," as shown in first instance.

Amendment adopted.

Bill read second time, ordered to print, engrossment and third reading.

Senate Bill No. 436—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 448—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 449—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 450—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 451—An Act to add a new section to the Code of Civil Procedure, to be numbered 1008, relating to orders.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 452—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 453—An Act to amend Section 1054 of the Code of Civil Procedure, relating to extensions of time.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 454—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 455—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 456—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 457—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 458—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 459—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110a, requiring notice to be given to the real parties in interest in certain proceedings.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 460—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 461—An Act to amend Sections 1164, 1166, and 1167, and to repeal Sections 1163, 1175, and 1180, and both the sections numbered 1161 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1161, all relating to summary proceedings for obtaining possession of real property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 462—An Act to amend Sections 1183, 1184, 1191, and 1203, and to repeal Section 1196 of the Code of Civil Procedure, all relating to liens of mechanics and others upon real property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 463—An Act to repeal Chapter III of Title IV of Part III of the Code of Civil Procedure, and each and every section of

said Chapter III, and to substitute a new Chapter III to take the place thereof in said code, relating to liens for salaries and wages.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 464—An Act to amend Sections 1209, 1210, 1217, and 1218 of the Code of Civil Procedure, all relating to contempts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 465—An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 466—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation proceedings.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 467—An Act to repeal Title VIII of Part III of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said code, relating to escheated estates.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 487—An Act to repeal Articles I and II of Chapter II of Title XI of Part III of the Code of Civil Procedure, and each and every section of said Articles I and II, and to substitute new Articles I and II to take the place thereof in said code, all relating to the probate of wills.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 488—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 489—An Act to amend Sections 1327, 1328, 1329, and 1330 of the Code of Civil Procedure, all relating to the contesting of wills after probate.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 490—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 491—An Act to amend Sections 1349, 1350, 1351, and 1356 of the Code of Civil Procedure, all relating to letters testamentary and of administration with the will annexed.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 492—An Act to amend Sections 1366, 1367, 1368, 1371, 1375, and 1383, and to repeal Section 1379 of the Code of Civil Procedure, all relating to letters of administration.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 493—An Act to amend Sections 1412, 1415, and 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 494—An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 495—An Act to amend Section 1426 of the Code of Civil Procedure, relating to grants of letters of administration with the will annexed.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 496—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 497—An Act to amend Sections 1443, 1445, and 1447 of the Code of Civil Procedure, all relating to the inventory and appraisement of the estates of decedents.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 498—An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of the property of deceased persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 499—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons in savings banks.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 500—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 501—An Act to amend Sections 1464, 1465, 1466, 1468, and 1470 of the Code of Civil Procedure, all relating to provisions for the support of the families of deceased persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 502—An Act to repeal Article II of Chapter V of Title XI of Part III of the Code of Civil Procedure, and to substitute a new Article II to take the place thereof in said code, relating to proceeding to set aside homesteads.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 503—An Act to repeal Chapter VI of Title XI of Part III of the Code of Civil Procedure, and to substitute a new Chapter VI to take the place thereof in said code, relating to claims against the estates of decedents.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 504—An Act to amend Sections 1518, 1522, 1524, 1527, 1540, 1543, 1544, 1552, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1527, all relating to the sale of the property of deceased persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 505—An Act to amend Sections 1582, 1583, 1584, 1587, 1589, and 1591 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1592, all relating to the powers and duties of administrators.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 506—An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 526—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 527—An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 528—An Act to amend Sections 1622, 1636, and 1639, and to repeal Sections 1623, 1624, 1625, and 1640 of the Code of Civil Procedure, all relating to accounts of executors and administrators and the settlement of such accounts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 529—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 530—An Act to amend Sections 1658, 1661, 1665, 1668, and 1669, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 531—An Act to amend Sections 1699 and 1702 of the Code of Civil Procedure, both relating to trustees of the estates of deceased persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 532—An Act to amend Section 1710 of the Code of Civil Procedure, relating to notices in proceedings for the settlement of the estates of deceased persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 533—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of the estates of deceased persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 534—An Act to repeal Section 1718 of the Code of Civil Procedure, relating to the appointment of attorneys in proceedings for the settlement of estates of deceased persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 535—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 536—An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to Public Administrators.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 537—An Act to amend Sections 1747, 1750, 1753, 1758, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807, and 1809, and to repeal Sections 1752 and 1774 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1760, all relating to guardians.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 538—An Act to repeal Title XIII of Part III of the Code of Civil Procedure and to substitute in place thereof a new Title XIII to take the place thereof in said code, relating to estates of missing persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 539—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1910, 1915, 1918, 1921, 1922, 1925, 1935, 1937, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1962, 1963, 1968, and 1982, and to repeal Sections 1971, 1972, 1973, and 1974 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1882, all relating to evidence.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 540—An Act to amend Sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpoenas.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 541—An Act to amend Sections 2006, 2020, 2021, 2022, 2024, 2025, 2026, 2028, 2031, 2032, 2036, and 2037, and to repeal

Sections 2033 and 2034 of the Code of Civil Procedure, all relating to depositions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 542—An Act to amend Sections 2012, 2013, 2014, and to repeal Section 2015 of the Code of Civil Procedure, all relating to affidavits.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 543—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 544—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 545—An Act to amend Sections 1021, 1023, 1024, 1025, 1031, 1033, 1036, 1037, to repeal Section 1026 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1040, all relating to costs in civil actions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 546—An Act to amend Sections 2043 and 2054 of the Code of Civil Procedure, both relating to the examination of witnesses.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 552—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

Also: Assembly Bill No. 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Also: Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and improvements thereon.

Also: Assembly Bill No. 14—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 thereof, relating to mortgages upon personal property.

Also: Senate Bill No. 133—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

Also: Senate Bill No. 243—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Also: Senate Bill No. 522—An Act to amend the Penal Code of the State of California by adding one new section to Title X thereof, relative to public nuisance; said section to be numbered 370½.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 392—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 2643, relating to the joinder of parties in an action for the recovery of double insurance—have had the same under consideration, and respectfully report the same back, and recommend that the committee substitute, herewith submitted, be adopted and do pass.

LUKENS, Chairman.

Senate Bills Nos. 552, 133, 243, 522, and 392, and Assembly Bills Nos. 12, 13, and 14, ordered on file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 359—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California, providing penalties for violations hereof, and to repeal an Act now in force relating to the same, known as 'An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 10, 12, 14, 15, 19, and 25; repealing Sections 16, 17, 18, and adding a new section, to be numbered and designated Section 22½—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BAUER, Chairman.

Senate Bill No. 359 ordered on file.

INTRODUCTION AND FIRST READING OF BILL—(OUT OF ORDER).

The following bill was introduced:

By Senator Ralston: Senate Bill No. 629—An Act to authorize a savings bank to pay out of the funds of a deceased depositor an amount sufficient to effect the interment of the body of said deceased depositor, not exceeding in any case the sum of \$100.

Bill read first time, and referred to Committee on Judiciary.

ADJOURNMENT.

At nine o'clock and seven minutes P. M., on motion of Senator Leavitt, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 17, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvaige, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—36.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 16, 1903, the further reading was dispensed with, on motion of Senator Selvaige.

APPROVAL OF JOURNAL.

The Journal of Friday, February 13, 1903, having been corrected, was read and approved.

PETITIONS.

The following petitions were presented by Senator Ralston and ordered printed in the Journal:

PETITION FOR A SUNDAY LAW.

To the Honorable the Senate and Assembly of the State of California:

We, the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest, by prohibiting, with adequate penalties, all unnecessary labor and business, Seventh Day worshipers excepted, and all barbarous, unseemly, or noisy amusements.

The above was indorsed by vote by a meeting of citizens in the town of Banner, State of California, on January 17, 1903, and the undersigned were authorized to so attest:

(Signed:) Frank L. Towle, presiding; Mrs. I. N. Todd, Vennie B. Todd, W. E. Look, Mrs. W. E. Look, Amy Rohde, Daisy Taylor, Albert Anderson, Edward Beckworth, J. Willy, Camby Todd, H. Schroeder, M. H. Mikkelsen, Inge Mikkelsen, Mrs. H. Schroeder, Annie Rasmussen, Pansy Taylor, Mrs. T. B. Mollitt, T. B. Mollitt, Virginia Sebastian, H. Rasmussen, Mrs. V. Andersen, Peter Andersen, Isom Todd, Will McBath, Sophus Dohl, Harvey Todd, R. Beckworth, C. Bosse, Edgar Doe, Frank Z. Towle, Mrs. Sophia Towle, Jesse A. Look, Laura Sebastian.

PETITION FOR A SUNDAY LAW.

To the Honorable the Senate and Assembly of the State of California:

We, the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest, by prohibiting, with adequate penalties, all unnecessary labor and business, Seventh Day worshipers excepted, and all barbarous, unseemly, or noisy amusements.

The above was indorsed by vote by a meeting of The Church in the town of Florin, State of California, and the undersigned were authorized to so attest:

(Signed:) Rev. H. C. Langley, Pastor, presiding; J. B. Welty, L. R. Davis, J. Holmes, Henry Merwin, W. J. Christman, Wm. McNair, Geo. W. Hack, A. C. Young, Henry Martin, Lloyd P. Steward, W. E. Davidson, R. E. Hartley, E. L. Davies, A. D. Ogden, W. G. Scott, C. A. Schulze, J. Gosling, L. W. Browning, Mrs. Mary Young, Mrs. S. P. Merwin, Carrie R. Holmes, Esther Smith, Mrs. J. Lang, Edna E. Lang, Mrs. McNair, Mrs. G. W. Hack, Mrs. M. L. Rich, Mrs. M. McNie, Mrs. M. M. Ashurst, Mary Mitchell, Mrs. H. C. Langley, Ruth Merwin, Florence E. Leimbach, A. L. Gosling, E. A. Anthony, Mrs. F. W. Ogden, Mrs. A. Troutman.

COMMUNICATIONS.

The President announced that he had received the following communication from Amador Miners' Union, No. 135.

AMADOR CITY, February 14, 1903.

To ALDEN ANDERSON, President Senate, Sacramento, California:

DEAR SIR: Amador Miners' Union, No. 135, Western Federation of Miners, indorse Senate Bills Nos. 304, 314, and 214, and request their passage.

W. J. TREWHELLA, President.
H. D. CALVIN, Financial Secretary.

On motion of Senator Leavitt, communication was read, and ordered printed in the Journal.

Also: The following, which was ordered printed in the Journal:

SAN FRANCISCO, CALIFORNIA, February 7, 1903.

To the HON. A. ANDERSON, Lieutenant-Governor:

DEAR SIR: At a meeting of the Federation of Mission Improvement Clubs, held on the above date, the following resolution was unanimously adopted:

Resolved, That the Federation of Mission Improvement Clubs deems that an increase in the number of Superior Judges for the City and County of San Francisco is unnecessary, we are therefore firmly opposed to the passage of an Act to increase the number of Superior Courts as proposed by the McMartin bill.

We are aware that the twelve judges do not find business so pressing that assistance is required, but on the contrary, we know that some of the twelve courts are not kept in operation full time.

We would therefore urge the members of the Legislature to vote against the creation of any additional courts, at the present time, for San Francisco.

Respectfully,

FEDERATION OF MISSION IMPROVEMENT CLUBS.

WM. E. DUBOIS, Secretary.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 251—An Act to select and adopt the "Golden Poppy" as the State flower of California.

Also: Senate Bill No. 70—An Act making an appropriation for the purchase of law books for the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Also: Senate Bill No. 144—An Act to amend Sections 408, 409, 410, and 420, and to repeal Section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of Secretary of State.

Also: Senate Bill No. 292—An Act in relation to municipal bonds.

Also: Senate Bill No. 80—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Also: Senate Bill No. 350—An Act to amend Section 3443 of the Political Code of the State of California, relating to the purchase of swamp and overflowed or tide lands of the State of California.

Also: Senate Bill No. 311—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor.

Also: Senate Bill No. 104—An Act making a conspiracy to commit any crime against the person of or attempt to kill or commit any assault upon the President or Vice-President of the United States, the Governor of any State or Territory, any United States Justice or Judge, or the secretary of any executive department of the United States, a felony, and providing a penalty therefor.

Also: Senate Bill No. 21—An Act creating a fund for the benefit and support of high schools and providing for its distribution.

Also: Senate Bill No. 59—An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

CLIO LLOYD, Chief Clerk.

Senate Bills Nos. 251, 70, 144, 292, 80, 350, 311, 104, 21, and 59 ordered to enrollment.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read, and ordered printed in the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 13, 1903. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 30—An Act to amend the Political Code in relation to the place for holding an election.

Also: Senate Bill No. 64—An Act to amend the Political Code relating to discretionary powers of boards of supervisors.

Also: Senate Bill No. 74—An Act to repeal an Act relating to mechanics' liens and regulating the provisions to be contained in building contracts.

Also: Senate Bill No. 105—An Act to appropriate the sum of \$1,416.50 for the purchase of ballot paper.

Also: Senate Bill No. 115—An Act to provide for the compilation and publishing of a State blue book, or roster.

Also: Senate Bill No. 121—An Act to amend an Act relating to defrauding proprietors of hotels, restaurants and lodging-houses.

Also: Senate Bill No. 148—An Act to amend an Act concerning the payment of expenses and costs of trial of persons charged with violation of the laws for the preservation of fish in the navigable waters of the State.

Also: Senate Bill No. 150—An Act to amend the Penal Code in relation to the preservation and protection of fish.

Also: Senate Bill No. 159—An Act to amend the Political Code in relation to the fees to be charged by the Secretary of State.

Also: Senate Bill No. 192—An Act authorizing the appointment of a notary public in the City and County of San Francisco to reside at Yerba Buena Island.

GEO. C. PARDEE,

Governor of the State of California.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No 594—An Act to prohibit the use of the bristle-burr, tack-burr, or other like devices on horses or other animals in this State—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

BYRNES, Chairman.

Senate Bill No. 594 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 223—An Act to add a new section to the Political Code, to be numbered 751a, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Also: Senate Bill No. 486—An Act to amend Sections 1036 and 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 478—An Act to add a new section to the Political Code, to be numbered 3557, relating to the cancellation of taxes on lands re-sold by the State, where a judgment has been entered annulling the certificate of purchase.

Also: Senate Bill No 361—An Act to provide that any person or persons who shall prevent, attempt to prevent, or cause to be prevented, any person or persons, other than Chinamen not entitled to enter the United States, from landing upon any island or islands off the coast of the State of California, and subject to the jurisdiction thereof, or from having free and unrestricted access to any city, town, village, or public institution thereon, shall be guilty of a misdemeanor, and provide a penalty therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

LUKENS, Chairman.

Senate Bills Nos. 223, 486, 478, and 361 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Sanford: Senate Bill No. 630—An Act to amend Section 1207 of the Civil Code, relating to transfers of real property, and fixing a time when defective certificates of acknowledgment shall become valid.

Bill read first time, and referred to Committee on Judiciary.

By Senator Shortridge: Senate Bill No. 631—An Act to make an appropriation to pay the claim of the T. W. Spring Company.

Bill read first time, and referred to Committee on Finance.

By Senator Nelson: Senate Bill No. 632—An Act making an appropriation for the purchase and installment of improved material and machinery and improvements for the State printing office and bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Bill read first time, and referred to Committee on Printing.

By Senator Caldwell: Senate Bill No. 633—An Act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts wherein there are or may be pending actions to enforce the right of eminent domain to give such actions preferences over all other civil cases, in the matter of setting the same for hearing or trial, and in hearing the same.

Bill read first time, and referred to Committee on Judiciary.

By Senator Shortridge: Senate Bill No. 634—An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support, and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXIV of the Laws of 1891.

Bill read first time, and referred to Committee on Fruit and Vine Interests.

By Senator Hahn: Senate Bill No. 635 - An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxes of this State.

Bill read first time, and referred to Committee on Judiciary.

By Senator Hubbell: Senate Bill No. 636—An Act to amend Section 1416 of the Civil Code, and to add one new section to the Civil Code, to be numbered 1422, relating to appropriation of water, and work to be done by the claimant.

Bill read first time, and referred to Committee on Irrigation.

By Senator Knowland: Senate Joint Resolution No. 11—Memorializing Congress to give consideration to House Bill 11,538, relative to the purchase or condemnation of the principal grove of the California *Sequoia gigantea* in Calaveras County.

Referred to Committee on Federal Relations.

By Senator Tyrrell of San Francisco: Senate Bill No. 637—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

The Senate proceeded to consider the daily file.

Senate Bill No. 94—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes in the State of California.

Passed on file.

Senate Bill No. 72—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

Passed on file.

Senate Bill No. 92—An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, and by adding thereto four new

sections, numbered 18, 19, 20, and 21, all relating to the sanitary condition of barber shops and barber schools, and the regulation thereof.

Read third time, and on motion of Senator Shortridge passed on file, to retain place.

Senate Bill No. 160—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of this State.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 161—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 369—An Act to establish a uniform system to enable towns or municipalities of certain classes or districts to form water districts.

On motion of Senator Shortridge, passed on file, to retain place.

Senate Bill No. 88—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

On motion of Senator Shortridge, passed on file, to retain place.

Senate Bill No. 53—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

On motion of Senator Shortridge, passed on file, to retain place.

SPECIAL ORDER SET.

On motion of Senator Lukens, the consideration of Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers—and Senate Bill No. 314—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employes—was made a special order for Thursday, February 19, 1903, immediately after the consideration of the special file of Assembly bills.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 11—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the definition of certain words.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 11 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Kuowland, Lardner, Leavitt, Luchsinger, Lukens, Muentzer, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 372—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 372 passed by the following vote:

AYES—Senators Byrnes, Coggins, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Williams—21.

NOES—Senators Bauer, Curtin, Diggs, and Knowland—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 123—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

On motion of Senator Sanford, passed on file, to retain place.

Senate Bill No. 71—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 71 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—27.

NOES—Senator Ralston—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 263—An Act to appropriate the sum of \$40 to pay the claim of B. M. Poore for money due and owing the said B. M. Poore from the State of California.

On motion of Senator Smith, passed on file, to retain place.

Senate Bill No. 302—An Act to appropriate the sum of \$1,200 to pay for repairs to Capitol building and furniture, to be used during the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 302 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 93—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 93 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Lardner, Luchsinger, Lukens, Muentner, Oneal, Ralston,

Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Constitutional Amendment No. 1 having been set as a special order for this day, on motion of Senator Bunkers, the same was taken up.

Senate Constitutional Amendment No. 1—To propose to the people of the State of California an amendment to the Constitution of the State by amending Section 4 of Article II thereof, relating to the gain or loss of residence of voters.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 1 refused adoption by the following vote:

AYES—Senators Bunkers, Byrnes, Leavitt, Oneal, Plunkett, Sanford, Savage, Ward—8.

NOES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Lukens, Nelson, Ralston, Rowell, Shortridge, Smith, Welch, Williams, and Woodward—22.

At eleven o'clock and twenty minutes A. M., Hon. G. R. Lukens, State Senator from the Twenty-seventh Senatorial District, in the chair.

Senate Bill No. 76—An Act appropriating \$300 to pay the reward to C. W. King for the arrest of "Indian Dick Hutchings," sometimes called "Indian Dick," for the murder of "Tyner Bill."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 76 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muenter, Nelson, Oneal, Plunkett, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 256—An Act to repeal Section 667 of the Penal Code of the State of California, in reference to punishment for second offenses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 256 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 215—An Act to amend an Act entitled "An Act to regulate the employment,

hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901—have had the same under consideration, and respectfully report back a committee substitute, and recommend that the substitute do pass.

Also: Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers—have had the same under consideration, and respectfully report the same back, with the recommendation that it do pass.

FRENCH, Chairman.

Senate Bills Nos. 215 and 304 ordered on file.

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your Committee on Printing, to whom was referred Senate Bill No. 567—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, Common Councils, Boards of Trustees, or Supervisors, in counties, cities, cities and counties, or towns—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

NELSON, Chairman.

Senate Bill No. 567 ordered on file.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 195—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof.

Also: Assembly Bill No. 186—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

CALDWELL, Chairman.

Senate Bill No. 195 and Assembly Bill No. 186 ordered on file.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 422—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class.

Read third time.

Senator Flint moved to refer to Senator Luchsinger, as a special committee of one, to amend as follows:

Amend section one by adding the letter "s" to the word "government" in line three. Also, page one, line nine, add the letter "s" to the word "government."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 422, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 219—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

On motion of Senator Flint, passed on file, to retain place.

Senate Bill No. 396—An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal School Trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 396 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett Curtin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Tyrrell of Nevada, Ward, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 218—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

Read third time.

On motion of Senator Welch, passed on file, to retain place.

Senate Bill No. 386—An Act to amend Section 1791 of the Political Code of the State of California, relating to city, and city and county boards of examination.

On motion of Senator Welch, passed on file, to retain place.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 382—An Act to amend Section 185 of the Political Code of the State of California, relating to the apportionment of school funds.

Also: Senate Bill No. 368—An Act to amend Section 1665 of the Political Code, relating to branches in instruction in the public schools of this State.

Also: Assembly Bill No. 224—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

Also: Senate Bill No. 367—An Act to amend Section 1668, relating to physical culture and exercises.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back without recommendation, further than that it be referred to Committee on Finance.

Also: Assembly Bill No. 225—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of this State.

Also: Assembly Bill No. 383—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ROWELL, Chairman.

Assembly Bills Nos. 382, 224, 225, and 383, and Senate Bills Nos. 368 and 367, ordered on file.

Assembly Bill No. 23 referred to Committee on Finance.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 111—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor.

Also: Senate Bill No. 445—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to the Committee on Finance.

Also: Senate Bill No. 427—An Act to amend an Act entitled "An Act to provide for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged by the Wardens of State Prisons," approved March 27, 1897—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHN R. TYRRELL, Chairman.

Senate Bills Nos. 111 and 445 referred to Committee on Finance.

Senate Bill No. 427 ordered on file.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 145—An Act to amend an Act entitled "An Act for the incorporation of societies for the prevention of cruelty to children," approved April 3, 1876, by adding thereto a new section, to be numbered 4½, relating to arrests for violations of Acts for prevention of cruelty to children.

Read third time.

On motion of Senator Hubbell, passed on file, to retain place.

Senate Bill No. 154—An Act to amend an Act entitled "An Act for the protection of children, and to prevent and punish wrongs to children," approved March 29, 1878, by amending Sections 1 and 3 thereof.

Read third time.

Senator Leavitt moved to refer to Senator Knowland as a special committee of one, to amend as follows:

By striking out of section one, line seven, the words "or place of entertainment."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 154, with instructions to amend, respectfully reports the same back, amended as per instructions.

KNOWLAND, Committee.

Report of special committee of one, and amendment, lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 154 refused passage by the following vote:

AYES—Senators Hahn, Hubbell, Savage, Selvage, Ward, and Woodward—6.

NOES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, and Williams—25.

NOTICE OF MOTION TO RECONSIDER.

Senator Oneal gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 154 was this day refused passage.

At twelve o'clock and ten minutes P. M., Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 443—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 443 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selva, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Oneal gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 443 was this day passed.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employes who shall violate or attempt or threaten to violate the provisions of this Act.

On motion of Senator Curtin, passed on file, to retain place.

SUSPENSION OF RULES.

Senator Rowell moved that the rules be suspended for the purpose of immediately considering Assembly Bill No. 808.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Rowell, Sanford, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—29.

NOES—Senator Oneal—1.

Assembly Bill No. 808—An Act to amend Section 3 of an Act for the protection of horticulture, and to prevent the introduction into the State of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 808 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Woodward—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 328—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

On motion of Senator Nelson, passed on file, to retain place.

RECESS.

At twelve o'clock and twenty-five minutes P. M., on motion of Senator Bauer, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

SPECIAL FILE—ASSEMBLY BILLS.

Assembly Bill No. 33—An Act to amend the Civil Code by adding two new sections thereto, to be numbered 131 and 132, to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

Read third time.

The question being on the passage of the bill.

The roll was called and Assembly Bill No. 33 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Tyrrell of San Francisco, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

ASSEMBLY JOINT RESOLUTION No. 3.

Relative to the House of Representatives Bill No. 14,443, pertaining to a National Conservatory of Music and Art.

WHEREAS, A bill (H. R. 14,443) has been introduced in both houses of Congress for the establishment of a National Conservatory of Music and Art at the National Capital at Washington, D. C., with subsidiary branches in the cities of San Francisco, Chicago, and New York; and

WHEREAS, The establishment of such a conservatory is of vital importance to the future welfare of the youth of America; therefore, be it

Resolved, That we, the members of the Legislature of the State of California, in body assembled, do hereby memorialize and request our Representatives in Congress and instruct our Senators to urge upon their respective houses of Congress the advancement, promotion, and passage of the bill now before their respective bodies for the establishment of a National Conservatory of Music and Art by the National Government, and further, that a copy of this memorial be forwarded to each and every Representative in Congress and to the Senators of the United States.

Joint resolution read.

The question being on the adoption of Assembly Joint Resolution.

The roll was called, and Assembly Joint Resolution No. 3 adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Diggs, Flint, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Ralston, Sanford, Savage, Tyrrell of San Francisco, Ward, Williams, and Woodward—23.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 12—To propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 23 of Article IV of said Constitution, relating to the salary of members of the Legislature and attachés thereof.

On motion of Senator Sanford, constitutional amendment re-referred to Committee on Constitutional Amendments.

Assembly Bill No. 187—An Act to appropriate the sum of \$5,000 to pay the amount of a judgment against the State of California, and in favor of Robert Y. Hayne, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 14—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 thereof, relating to mortgages upon personal property.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 66—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

On motion of Senator Knowland, passed on file, to retain place.

Senate Bill No. 391—An Act to add a new section to the Political Code, to be numbered 1003a, relating to vacancies in office.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 391 passed by the following vote:

AYES—Senators Bauer, Corlett, Diggs, French, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Sanford, Savage, Selva, Tyrrell of San Francisco, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 145—An Act to amend an Act entitled "An Act for the incorporation of societies for the prevention of cruelty to children," approved April 3, 1876, by adding thereto a new section, to be numbered

4½, relating to arrests for violations of Acts for prevention of cruelty to children.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 145 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Diggs, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Welch, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At two o'clock and thirty-two minutes P. M., Hon. T. H. Selvage, State Senator from the Thirty-fourth Senatorial District, in the chair.

Senate Bill No. 512—An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the settlements of estates of deceased persons, allowance of necessary expenses in the settlement of the estate, including premiums paid for official bonds.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 512 passed by the following vote:

AYES—Senators Bauer, Brynes, Coggins, Corlett, Diggs, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 430—An Act to amend Section 4161 of the Political Code, relating to public money in the hands of the County Treasurer.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 420—An Act authorizing any teacher or public officer who is now a contributor to a public school teachers' annuity and retirement fund in any county, or consolidated city and county, of this State, where there are no annuitants drawing annuities from the said fund of such county, or consolidated city and county, to cease to be a contributor to such fund within sixty days from the taking effect of this Act, and to have returned to him the amount contributed by him thereto, or such part thereof as may be available for that purpose.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 420 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Curtin, Diggs, French, Greenwell, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.

NOES—Senator Leavitt—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 334—An Act to regulate the use of illuminating gas.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 437—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide

for the government and management of State Hospitals for the Insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

On motion of Senator Woodward, passed on file, to retain place.

Senate Bill No. 349—An Act to pay the claim of H. W. Sitton, and to make an appropriation therefor, for the sum of \$1,856.78 on bond of the State of California, No. 592, issued July 9, 1858.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 349 passed by the following vote.

AYES—Senators Bauer, Bunkers, Coggins, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Sanford, Selvage, Shortridge, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 509—An Act to appropriate the sum of \$142.50 to pay the claim of F. Phillips for money due and owing the said F. Phillips from the State of California.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 319—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

On motion of Senator Pendleton, passed on file, to retain place.

Senate Bill No. 208—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Read third time.

Senator Sanford moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

Amend line one, page one, by inserting before the word "Section" the following: "Section 1."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 208, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

• Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 468—An Act to provide for the payment by the State, or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 468 passed by the following vote:

AYES—Senators Bauer, Bunkers, Coggins, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Knowland, Lardner, Luchsinger, Lukens, Oneal, Plunkett, Ralston, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 151—An Act to amend Sections 10 and 11 of an Act to provide for the organization and management of county fire insurance companies.

Read third time.

Senator Hahn moved to refer to Senator Sanford, as a special committee of one, to amend as follows:

Amend by inserting the words in line one, and after the word "ten," "of an Act to provide for the organization and management of county fire insurance companies"

Also, to amend the title by striking out the words "and 11."

Also, to amend the title by striking out the word "sections," and by inserting in lieu thereof the word "section."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 151, with instructions to amend, respectfully reports the same back, amended as per instructions.

SANFORD, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 47—An Act to establish the California State dairy school and experiment farm, and to appropriate money therefor.

Also: Senate Bill No. 73—An Act to appropriate \$55,070.00 for the purchase of additional lands for the use of the Stockton State Hospital, with the existing improvements thereon; for further improvements thereon; to purchase dairy cows and hogs, and to purchase irrigating plant, all for the use of said hospital.

Have had the same under consideration, and respectfully report the same back, and recommend that a committee substitute therefor be adopted.

Also: Senate Bill No. 26—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DEVLIN, Chairman.

Senate Bills Nos. 47, 73, and 26 ordered on file.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 246—An Act to amend an Act entitled "An Act to protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor"—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass as amended.

BYRNES, Chairman.

Senate Bill No. 246 ordered on file.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 16—Relating to the change of the seat of government of the State—have had the same under consideration, and respectfully report the same back without recommendation.

WARD, Chairman.

Senate Constitutional Amendment No. 16 ordered on file.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 35—An Act to provide for improving the grounds of the Agnews State Hospital, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw same.

Also: Senate Bill No. 110—An Act to provide for building, equipping, and furnishing one cottage for male patients at the Southern California State Hospital, and to make an appropriation for the same—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass, and that it be referred to Committee on Finance.

Also: Senate Bill No. 109—An Act to amend and re-enact Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home.

Also: Senate Bill No. 566—An Act restricting the business of medical superintendents and assistant physicians of State hospitals for insane persons.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

MUENTER, Chairman.

Senate Bill No. 110 referred to Committee on Finance.

Senate Bills Nos. 109 and 566 ordered on file.

WITHDRAWAL OF BILL.

Senator Shortridge asked for and was granted unanimous consent to withdraw Senate Bill No. 35—An Act to provide for improving the grounds of the Agnews State Hospital, and making an appropriation therefor.

Bill withdrawn, and ordered stricken from the file.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 16, 1903.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 8—Relative to the purchasing and making free by the United States Government of the toll roads over the Yosemite National Park—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HAHN, Chairman.

Senate Joint Resolution No. 8 ordered on file.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 571—An Act to authorize the payment of moneys now in the hands of the Governor of the State as Commander-in-Chief of the military forces of the State, received by him from the United States for the payment of amounts due to California U. S. Volunteers of the late war with Spain, under the provisions of an Act of Congress entitled "An Act to reimburse the Governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the volunteer army of the United States in the existing war with Spain," approved July 8, 1898, as amended by an Act of Congress approved March 3, 1899, direct to the heirs of any deceased claimants against said fund without administration.

Also: Senate Bill No. 572—An Act providing for the payment to the California U. S. Volunteers of such amounts as are due them from the date of their assembling to the date of their muster-in to the United States service, or rejection by the medical examiners, making an appropriation for that purpose and providing for the presentation of a claim to the United States for the re-payment of the amount expended under this Act, and for the disposition of any sum of money that may be received from the United States upon such claim.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WILLIAMS, Chairman.

Senate Bills Nos. 571 and 572 ordered on file.

At two o'clock and forty-eight minutes P. M., Hon. Thomas Flint Jr., President pro tem. of the Senate, in the chair.

LEAVE OF ABSENCE.

At three o'clock and five minutes P. M., Senator Woodward was, on his own motion, granted leave of absence for one hour.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 510—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 510 passed by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Corlett, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Lardner, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, and Williams—25.

NOES—Senators Flint, Knowland, Leavitt, and Lukens—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 508—An Act to amend Section 3 of an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 508 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, and Williams—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 320—An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Read third time on a previous day.

Senator Diggs moved to refer to Senator Greenwell, as a special committee of one, to amend as follows:

Section five, line seven, of printed bill, after the word "disease," insert the words "or on account of shortage of feed."

Section five, line seven, of printed bill, after the word "and," insert the word "then."

Section nine, line eight, of printed bill, after the word "inspector," insert the words "after showing a star."

Section ten, line five, of printed bill, strike out the word "bands," and in lieu thereof insert the word "brands."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 320, with instructions to amend, respectfully reports the same back, amended as per instructions.

GREENWELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Selvage:

Resolved, That a special session of the Senate be held Thursday evening, February 19, at eight o'clock P. M., to consider Code Revision bills on third-reading file.

Resolution read and adopted.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 235—An Act to amend Section 737 of the Political Code, relating to the salaries of Superior Judges.

Having been read second time on a previous day, and still open to amendments, there being no further amendments, bill ordered to engrossment.

Senate Bill No. 214—An Act to provide for the appointment of "The Inspector of Mines," to define his duties, and provide for his compensation, the liability of mining operators and of the Inspector of Mines.

During second reading of bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

Amend by striking out all of section one, and inserting in lieu thereof the following: "SECTION 1. Within sixty (60) days after the passage of this Act, the Governor shall appoint some reputable person, who shall be a resident and citizen of the State of California, and who shall have had at least seven (7) years' experience as a practical mechanical and mining engineer and underground miner, who shall be designated as the Inspector of Mines."

Amendment adopted.

AMENDMENT No. 2.

Amend section two by striking out of said section all thereof after the word "exit," in line six of said section, and inserting in lieu thereof the following: "And if from such examination he ascertains that the mine is, from any cause, in a dangerous condition or the machinery used thereat unsafe, he must at once notify the superintendent, manager, agent or other person in charge of the working of said mine, by a notice in writing, which notice, signed by said inspector, or through him, by his deputy, must fully state in detail in what particular manner such mine is dangerous or insecure, or the machinery thereof dangerous or inadequate, and specify the changes to be made without delay, for the purpose of making such mine safe for the laborers employed therein or thereat; and it shall be the duty of such mine owner, lessee, or manager thereof to make the changes specified in such notice with all possible dispatch, but within thirty days after the service of such notice."

Amendment adopted.

AMENDMENT No. 3.

Amend by striking out all of section three and inserting in lieu thereof the following: "SEC. 3. It shall be the further duty of the inspector to examine and report to the Governor annually the condition of every operative mine which is not being operated in accordance with the mining laws of this State, as to its general safety. Also, how and where all explosives and inflammable oils and supplies are stored; also, as to the conditions of all exits from the mine, and how the mine is ventilated. He shall not give notice to any owner, agent, manager, superintendent, or lessee of the time when such inspection shall be made."

Amendment adopted.

AMENDMENT No. 4.

Amend section four by inserting in line three, page two, after the word "corporation," the words "nor shall he engage in any other business."

Amendment adopted.

AMENDMENT No. 5.

Amend section six, on page three, by inserting after the word "office," in line eight, a comma "and shall be liable in civil damages on his official bond for all damages to mine owners resulting from such acts."

Amendment adopted.

AMENDMENT No. 6.

In line two, section eight, after the word "of," strike out the following: "six (6) dollars per day while in the actual discharge of his duties," and insert in lieu thereof the words and figures "five thousand (\$5,000) dollars per annum."

Amendment adopted.

AMENDMENT No. 7.

In line seven, section eight, page three, strike out the word "five," and insert in lieu thereof the word "ten."

Amendment adopted.

AMENDMENT No. 8.

Amend line eight, section eight, page three, by striking out the figures "\$5,000" and inserting in lieu thereof the figures "\$10,000."

In line ten, section eight, strike out the word "twelve" and insert in lieu thereof the word "twenty," and in line eleven strike out the figures "\$12,000" and insert in lieu thereof the figures "\$20,000."

In section nine, line six, strike out the words and figures "five dollars (\$5)" and insert in lieu thereof the words and figures "eight dollars (\$8)."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION No. 6.

Relative to appointment of committee to receive the President of the United States upon his visit to California.

WHEREAS, The President of the United States, Theodore Roosevelt, intends visiting the State of California during the month of April of this year; and

WHEREAS, It is fitting and proper that the State of California should extend a proper official welcome to him and his party; therefore, be it

Resolved by the Senate, the Assembly concurring, That a committee of fifteen members of the legislature, to consist of the President and the President pro tempore and five members of the Senate to be appointed by the President of the Senate; the Speaker and Speaker pro tempore of the Assembly, and six members of the Assembly to be appointed by the Speaker of the Assembly, be named to act as joint committee of the legislature to receive the President of the United States and those who will accompany him, when they shall reach the state line on their entrance into the State of California, in order to extend to the distinguished visitors proper official welcome. The sum of three thousand dollars or so much as may be necessary, is hereby appropriated, one half from the contingent fund of the Senate and one half from the contingent fund of the Assembly, for defraying the expense of such reception, the funds to be expended as in the judgment of the joint committee may be deemed proper and necessary.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Committee Substitute for Senate Concurrent Resolution No. 6 adopted by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Welch, and Williams—27.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Shortridge, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed (as a case of urgency) Assembly Bill No. 815—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session.

Also: Adopted Assembly Concurrent Resolution No. 8—Relative to the appropriate observance of the anniversary of Washington's birthday.

CLIO LLOYD, Chief Clerk.

Assembly Bill No. 815 read first time, and referred to Committee on Finance.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION No. 8.

Senator Shortridge asked for and was granted unanimous consent to take up Assembly Concurrent Resolution No. 8 for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 8.

Resolved by the Assembly, the Senate concurring. That the Senate and Assembly meet in joint session in the Assembly chamber at eight o'clock p. m. February 23d, for the purpose of appropriately observing the anniversary of Washington's birthday; and be it further

Resolved. That a committee of three members of the Assembly be appointed to confer with a like committee from the Senate and arrange a program of exercises, said committee to be appointed by the Speaker of the Assembly and the President of the Senate, respectively. Any expense to be paid equally by the Assembly and Senate out of their contingent funds, said expenses not to exceed \$100 in the aggregate.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 8 adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, and Welch—27.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 553—An Act to repeal an Act entitled "An Act to create a State Board of Accountancy and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualify applicants with the designation of certified public accountants, and provide the grade of penalty for violation of the provisions hereof," approved March 23, 1901.

Bill read second time, considered engrossed, and ordered on file for third reading.

BILL RECALLED FROM COMMITTEE AND RE-REFERRED.

On motion of Senator Selvage, Senate Bill No. 269—An Act regulating the furnishing of light or power to incorporated cities, manner for payment for the same, and penalty for violation of the provisions of said Act—was ordered recalled from Committee on Corporations, and referred to Committee on Municipal Corporations.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Committee on Finance: Senate Bill No. 638—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State and for the appointment of the members of said commission, to be known as the Commissioners for the Revision and Reform of the Law, and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1893.

Bill read first time, and ordered on file without reference to committee.

By Senator Hahn: Senate Bill No. 639—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Bill read first time, and referred to Committee on Judiciary.

By Senator Sanford: Senate Bill No. 640—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895.

Bill read first time, and referred to Committee on County Government.

By Senator Lukens: Senate Joint Resolution No. 12—Relative to a bill in the Congress of the United States establishing a library post.

Referred to Committee on Federal Relations.

By Senator Ralston: Senate Bill No. 641—An Act to abolish the office of Débris Commissioner.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Also: Senate Bill No. 642—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation," approved February 9, 1900.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Selva: Senate Bill No. 643—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing and reforming the laws of this State, and for the appointment of the members of said commission to be known as the Commissioners for the Revision and Reform of the Law, and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Bill read first time, and referred to Committee on Code Revision.

By Senator Shortridge: Senate Bill No. 644—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits by insurance companies for the protection of policy holders.

Bill read first time, and referred to Committee on Corporations.

By Senator Bunkers: Senate Bill No. 645—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or second-hand material of any character so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

Bill read first time, and referred to Committee on Public Health and Quarantine.

By Committee on Code Revision: Senate Bill No. 646—An Act to amend Section 1034 of the Code of Civil Procedure, relating to costs on appeal.

Bill read first time, and ordered on file without reference to committee.

ADJOURNMENT.

At three o'clock and fifty minutes P. M., on motion of Senator Ralston, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 18, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luch-singer, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvaige, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 17, 1903, the further reading was dispensed with, on motion of Senator Corlett.

LEAVES OF ABSENCE.

Senator Welch was, on motion of Senator Bunkers, granted leave of absence for the day.

Senator Emmons was, on motion of Senator French, granted leave of absence for the day.

PETITIONS.

The President announced that he had received the following petition, which was ordered printed in the Journal:

To ALDEN ANDERSON and to the Senate and Assembly of the State of California:

We, the undersigned members of Summersville Union No. 37, Western Federation of Miners, respectfully petition the honorable body, the Legislature of the State of California, and urgently request the passage of Senate Bills Nos. 304, 314, and 214, said bills having been framed for the relief and benefit of the miner in this State.

(Signed :) Geo. H. Scott, C. A. Boyle, John N. Dunstone, H. Bennets, Josiah Williams, George Johnson, F. M. Cook, Samuel Lean, W. R. Kingsolner, W. B. Hunt, P. G. Moro, George McCabe, and 216 others.

By Senator Wolfe:

A PROTEST AGAINST THE PASSAGE OF SENATE BILL NO. 354.

SAN FRANCISCO, CAL., February 16, 1903.

To the Honorable Senate and Assembly of the State of California:

GENTLEMEN: On behalf of the many manufacturers who are members of this association, we strongly protest against the passage of Senate Bill No. 354, requiring every article made or manufactured in this State to be stamped with the name and address of the manufacturer.

We feel that upon consideration you will recognize that to require every article made in the State to be so stamped, while goods made outside of the State can be sold here without being so stamped, is a direct discrimination against home manufacturers. While it should be the duty of every one to encourage manufacturing here and the consumption of home products in preference to those made abroad, to require every article made in the State to be stamped entails a heavy additional expense on the California manufacturer, which the manufacturer in other States is not obliged to assume. It

follows, therefore, that California goods can not compete on equal terms with goods from other States, and that the enactment of any law resulting in this will be detrimental to the interests of the State.

We therefore urge that Senate Bill No. 354 be not passed.

Respectfully,

THE MERCHANTS' ASSOCIATION OF SAN FRANCISCO.

FRANK J. SYMMES, President.

L. M. KING, Secretary.

By Senator Shortridge:

PETITION FOR A SUNDAY LAW.

To the Honorable the Senate and the Assembly of the State of California :

We, the undersigned, in view of the innumerable moral and social evils resulting from the present degradation of Sunday into a day of idleness and dissipation, do earnestly and respectfully petition your honorable body to enact a Sunday law that will give to all classes of men a weekly day of rest, by prohibiting, with adequate penalties, all unnecessary labor and business, Seventh Day worshippers excepted, and all barbarous, unseemly, or noisy amusements.

The above was indorsed by vote by a meeting of W. C. T. U. at Gilroy, and Sunday-school at Rucker, and the undersigned were authorized to so attest:

(Signed :) Mrs. A. E. Clark, presiding; W. M. Kroesen, W. E. McIntyre, H. C. Hagen, W. O. Goold, T. H. Organ, I. Hunter, Mrs. Bertha M. Kroesen, Mrs. Jennie McIntyre, Mrs. Iola Miller, Mrs. Frances Goold, and forty others.

APPOINTMENT OF SPECIAL COMMITTEE.

The President announced that in accordance with Assembly Concurrent Resolution No. 8, relative to the observation of Washington's birthday, he had appointed Senators Rowell, Belshaw, and Knowland as the committee to confer with a like committee from the Assembly.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read :

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 591—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Also: Senate Concurrent Resolution No. 11—Approving the charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 30th day of August, 1902.

Also: Senate Concurrent Resolution No. 12—Approving the charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city, at a general election held therein for the purpose, among other things, of ratifying said charter, on the second day of April, 1902.

Also: Assembly Bill No. 44—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.

Senate Bill No. 591, Senate Concurrent Resolutions Nos. 11 and 12, and Assembly Bill No. 44 ordered on file.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution by adding thereto a section, to be numbered Section 21, and relating to appointments, transfers, promotions, and

removals of officers and employes of the State, its cities and political subdivisions—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WARD, Chairman.

Assembly Constitutional Amendment No. 6 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 22—An Act to appropriate \$35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital; to purchase furniture and furnish the building so to be erected by the board of managers of said State hospital: to appropriate money therefor, and provide for the expenditure of the same.

Also: Senate Bill No. 37—An Act to appropriate the sum of \$15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Also: Senate Bill No. 77—An Act to provide for the improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 428—An Act making an appropriation of \$500.00 for the purpose of carpeting, repairing, and repainting furniture in and furnishing the office of the Clerk of the Supreme Court in the City of San Francisco.

Also: Senate Bill No. 316—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-fourth fiscal year.

Also: Senate Bill No. 327—An Act to provide for the erection and equipment of an oil storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 78—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Also: Senate Bill No. 224—An Act to appropriate \$1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 153—An Act to appropriate money to pay the claim of F. W. Moore for blankets supplied the State militia of the State of California during the Spanish-American war.

Also: Senate Bill No. 341—An Act to provide for the purchase of fire apparatus and machinery, and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 322—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 323—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Senate Bill No. 324—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Senate Bill No. 325—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children; to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 385—An Act making an appropriation to pay the claim of Clark & Henery, for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 102—An Act to appropriate the sum of \$2,340 to pay the claim of William Fahey, for moneys due and owing the said William Fahey from the State of California—have had the same under consideration, and respectfully report the same back, and recommend that a committee substitute therefor do pass.

Also: Senate Bill No. 39—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

Also: Senate Bill No. 16—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Have had the same under consideration, and respectfully report the same back without recommendation.

DEVLIN, Chairman.

Senate Bills Nos. 22, 37, 77, 428, 316, 327, 78, 224, 153, 341, 322, 323, 324, 325, 385, 102, 39, and 16 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 521—An Act to amend Sections four (4), five (5), eight (8), nine (9), ten (10), eleven (11), twelve (12), and thirteen (13) of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State,'" as amended March 23, 1901—have had the same under consideration, and respectfully report the same back without recommendation.

ROWELL, Chairman.

Senate Bill No. 521 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 625a, relating to unlawful interferences with public fire alarms.

Senate Bill No. 298—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402a, relating to misdemeanors.

Senate Bill No. 225—An Act to add a new section to the Penal Code, to be numbered 401, relating to the regulation of the marketing, identifying, manufacturing, and sale of products of crude petroleum used for illuminating purposes.

HUBBELL, Chairman.

Senate Bills Nos. 406, 298 and 225 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 260—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for non-payment of taxes.

Senate Bill No. 84—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals.

And report that the same have been correctly enrolled, and presented the same to the Governor on this seventeenth day of February, 1903, at four o'clock and ten minutes P. M.

HUBBELL, Chairman.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Savage: Senate Bill No. 647—An Act directing the printing of the first four volumes of the Statutes of California.

Bill read first time, and referred to Committee on Printing.

By Senator French: Senate Bill No. 648—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense and providing a mode of condemnation thereof and for the payment of extra labor employed therein.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Knowland: Senate Joint Resolution No. 13—Relative to the proposed transfer to Washington by the Secretary of the Interior of the old and valuable Spanish archives of California.

Referred to Committee on Federal Relations.

By Senator Lukens: Senate Bill No. 649—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872,

by adding seven new sections thereto, to be numbered Sections 637*b*, 637*c*, 637*d*, 637*e*, 637*f*, 637*g*, and 637*h*, all relating to the protection of birds other than game birds, and their nests and eggs.

Bill read first time, and referred to Committee on Fish and Game.

Also: Senate Bill No. 650—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the investment of the funds of insurance companies.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 651—An Act to pay the claim of James T. Boyd.

Bill read first time, and referred to Committee on Finance.

By Senator Leavitt: Senate Bill No. 652—An Act to amend Section 869 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, amended March 14, 1885, relative to the taking and authentication of testimony on examinations in criminal cases, and to provide for the fees to be paid therefor.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caldwell: Senate Bill No. 653—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Bill read first time, and referred to Committee on Agriculture and Dairying.

CONSIDERATION OF DAILY FILE.

Senate Bill No. 94—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes in the State of California.

On motion of Senator Lukens, passed on file, to retain place.

Senate Bill No. 72—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

On motion of Senator Lukens, passed on file, to retain place.

Senate Bill No. 92—An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, and by adding thereto four new sections, numbered 18, 19, 20, and 21, all relating to the sanitary condition of barber shops and barber schools, and the regulation thereof.

On motion of Senator Pendleton, passed on file, to retain place.

Senate Bill No. 215—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901.

The Committee on Labor and Capital having reported back a substitute for Senate Bill No. 215, Senator Shortridge moved that the report of committee be received.

Motion carried.

On motion of Senator Belshaw, the proposed committee substitute for Senate Bill No. 215 was ordered printed, and to retain place on file.

Senate Bill No. 160—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of this State.

On motion of Senator Rowell, passed on file, to retain place.

Senate Bill No. 161—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

On motion of Senator Rowell, passed on file, to retain place.

Senate Bill No. 369—An Act to establish a uniform system to enable towns or municipalities of certain classes or districts to form water districts.

On motion of Senator Belshaw, passed on file, to retain place.

Senate Bill No. 88—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 88 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Ralston, Sanford, Savage, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 53—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

On motion of Senator Belshaw, passed on file, to retain place.

Senate Bill No. 123—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

On motion of Senator Sanford, passed on file, to retain place.

Senate Bill No. 225—An Act to add a new section to the Penal Code, to be numbered —, relating to the regulation of the marketing, identifying, manufacturing, and sale of products of crude petroleum used for illuminating and fuel purposes.

On motion of Senator Ralston, passed on file, to retain place.

Senate Bill No. 422—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class.

On motion of Senator Belshaw, passed on file, to retain place.

Senate Bill No. 219—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 218—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 386—An Act to amend Section 1791 of the Political Code of the State of California, relating to city, and city and county boards of examination.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 328—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

On motion of Senator Nelson, passed on file, to retain place.

Senate Bill No. 66—An Act to amend Section 103 of the Code of Civil Procedure, relating to Justices' Courts and Justices of the Peace.

On motion of Senator Knowland, passed on file, to retain place.

Senate Bill No. 430—An Act to amend Section 4161 of the Political Code, relating to public money in the hands of the County Treasurer.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 334—An Act to regulate the use of illuminating gas.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 437—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the government and management of State hospitals for the insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Read third time.

Senator Woodward moved to refer to Senator Lukens, as a special committee of one, to amend as follows:

On page six, Section 2142, lines fifty-seven and fifty-eight, strike out the words "Glen Ellen State Hospital," and insert in lieu thereof the following: "Home for Feeble-Minded."

Also: On page seven, Section 2142a, line fourteen, strike out the words "State Hospitals," and insert in lieu thereof the following: "Hospital for the insane or incompetents."

Also: On page nine, Section 2145, line fourteen, strike out the word "Hospital," and insert in lieu thereof the following: "Hospitals."

Also: On page nine, Section 2144, lines sixteen, seventeen, and eighteen, strike out the words "Glen Ellen State Hospital, at Eldridge, Sonoma County, hitherto known as the California Home for the Care and Training of Feeble-Minded Children," and insert in lieu thereof the following: "California Home for the Care and Training of Feeble-Minded Children, at Eldridge, Sonoma County."

Also: On page nine, Section 2145, line nineteen, strike out the words "Glen Ellen State Hospital," and insert in lieu thereof the following: "Home for Feeble-Minded."

Also: On page nine, Section 2145, line twenty-eight, strike out the word "children," and insert in lieu thereof the word "persons."

Also: On page nine, Section 2145, line twenty-nine, strike out the words "between the ages of five and twenty-one years."

Also: On page ten, Section 2149, line five, after the word "hospital," insert the following words: "provided no manager shall receive more than two hundred and forty dollars, exclusive of traveling expenses, in any one year."

Also: On page twelve, Section 2151, line five, strike out the words "as are," and insert in lieu thereof the following: "to be."

Also: On page twelve, Section 2152, line twenty-five, after the word "shall," insert the word "pass."

Also: On page thirteen, Section 2152, line thirty-four, insert the following after the word "purpose": "An examination shall not be required of any medical superintendent or assistant physician now in office in any State Hospital."

Also: On page thirteen, Section 2153, line nineteen, strike out the words "Glen Ellen State Hospital," and insert in lieu thereof the following: "Home for Feeble-Minded."

Also: On page fourteen, Section 2153, line forty-one, strike out the words "Glen Ellen State Hospital," and insert in lieu thereof the following: "Home for Feeble-Minded."

Also: On page fifteen, Section 2153a, line nineteen, strike out the word "three," and insert in lieu thereof the word "four."

Also: On page fifteen, Section 2153a, line twenty-three, after the word "shall," insert the word "pass."

Also: On page fifteen, Section 2153a, line thirty-two, strike out the words "such position in any State Hospital," and insert in lieu thereof the following: "a similar position in any other State Hospital."

Also: On page eighteen, Section 2155, line twenty-one, strike out the word "such," and insert in lieu thereof the word "any."

Also: On page eighteen, Section 2155, line twenty-three, strike out the word "any."

Also: On page twenty-one, Section 2159, line forty-eight, strike out the words "his legal representatives," and insert in lieu thereof the following: "to the persons entitled thereto."

Also: On page twenty-one, Section 2159, line fifty-two, strike out the words "his legal representatives," and insert in lieu thereof the following: "the persons entitled thereto."

Also: On page twenty-five, Section 2168, line eight, strike out the word "his" and insert in lieu thereof the following: "a hearing and."

Also: On page twenty-five, Section 2168, line seventeen, after the word "hearing" insert the following words: "and examination in open court."

Also: On page twenty-seven, Section 2172, line two, strike out the words "affidavit and warrant of arrest" and insert in lieu thereof the following: "affidavit, warrant of arrest, and of the order for hearing and examination."

Also: On page thirty-two, Section 2185, line two, strike out the words "for the insane."

Also: On page thirty-two, Section 2185, line seven, strike out the word "herein" and insert in lieu thereof the word "therein."

Also: On page thirty-four, Section 2187, line twenty-four, strike out the words "Glen Ellen State Hospital," and insert in lieu thereof the following: "Home for Feeble-Minded."

Also: On page thirty-four, Section 2187, line thirty, strike out the words "Glen Ellen State Hospital," and insert in lieu thereof the word "home."

Also: On page thirty-four, Section 2187, lines thirty-two and thirty-three, strike out the words "Glen Ellen State Hospital," and insert in lieu thereof the following: "said home."

Also: On page thirty-four, Section 2187, lines thirty-five and thirty-six, strike out the words "Glen Ellen State Hospital," and insert in lieu thereof the word "home."

Also: On page thirty-four, Section 2189, lines one and two, strike out the words "for the insane."

Also: On page thirty-six, Section 2189, line sixty-one, strike out the words "to the medical superintendent," and insert in lieu thereof, the following: "of the Board of Managers."

Also: On page thirty-seven, Section 2191, line seven, after the word "insane," insert the following: "and incompetents."

Also: On page thirty-seven, Section 2192, line three, strike out the word "child," and insert in lieu thereof the word "person."

Also: On page thirty-seven, Section 2192, lines three and four, strike out the words "between the ages of five and twenty-one years."

Also: On page thirty-seven, Section 2192, line five, strike out the words "Glen Ellen State Hospital," and insert in lieu thereof the following: "Home for Feeble-Minded."

Also: On page thirty-seven, Section 2192, line nine, strike out the word "child," and insert in lieu thereof the word "person."

Also: On page thirty-seven, Section 2192, line ten, strike out the words "between the ages named."

Also: On page thirty-eight, Section 2192, line twenty-two, strike out the word "child," and insert in lieu thereof the word "person."

Also: On page thirty-eight, Section 2192, line twenty-six, strike out the word "child," and insert in lieu thereof the word "person."

Also: On page thirty-eight, Section 2192, line thirty-four, strike out the words "child or other person."

Also: On page thirty-eight, Section 2193, line two, strike out the words "Glen Ellen State Hospital," and insert in lieu thereof the following: "Home for Feeble-Minded."

Also: On page thirty-eight, Section 2193, line eleven, strike out the words "Glen Ellen State Hospital," and insert in lieu thereof the following: "Home for Feeble-Minded."

Also: On page thirty-nine, Section 2194, line two, strike out the words: "Glen Ellen State Hospital," and insert in lieu thereof the following: "Home for Feeble-Minded."

Also: On page thirty-nine, Section 2194, lines ten and eleven, strike out the words "Glen Ellen State Hospital," and insert in lieu thereof the following: "said home."

Also: On page thirty-nine, Section 2194, line twelve, strike out the words "Glen Ellen State Hospital," and insert in lieu thereof the word "home."

Also: On page thirty-nine, Section 2194, lines thirteen and fourteen, strike out the words "Glen Ellen State Hospital," and insert in lieu thereof the word "home."

Also: On page thirty nine, Section 2195, line three, strike out the words: "Glen Ellen State Hospital," and insert in lieu thereof the following: "Home for Feeble-Minded."

Also: On page forty-one, Section 2196, line forty-eight, insert the following after the second word "insane," "or incompetents."

Also: On page forty-one, Section 2197, line six, strike out the word "expense" and insert in lieu thereof the word "expenses."

Also: On page forty-two, Section 2199, line three, strike out the word "proceedings" and insert in lieu thereof the word "provisions."

Also: On page forty-two, section three, line three, strike out the words "Glen Ellen State Hospital" and insert in lieu thereof the following: "Home for Feeble-Minded."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 437, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUKENS, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 509—An Act to appropriate the sum of \$142.50 to pay the claim of F. Phillips for money due and owing the said F. Phillips from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 509 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Sanford, Savage, Shortridge, Smith, Ward, Williams, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employes who shall violate or attempt or threaten to violate the provisions of this Act.

Read third time.

Senator Curtin moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

By striking out of title, line one, the words "sale or" and in line four of said title after the word "therefor" insert "by any furnisher of water for said purposes."

Also: Strike out of section one, page one, line three, the words "sale or."

Also: Strike out of section three, page three, lines twenty-three and twenty-four, the words "not apply wherever and as long as there is such unlawful discrimination," and insert the following: "be construed to apply only where there is no such unlawful discrimination between separate sections of territory."

Also: Insert in section four, page three, line four, after the word "customers," the following: "of the same person, firm, private corporation, company, or association."

Also: In section four, page three, line six, insert the word "such" before the word "customer."

Also: Insert at the end of section nine, page six, the words "not needed for his, her, or its own purposes; *provided*, that where the legal ownership of the land and the legal ownership of the water is in separate corporations, the stock of which, or the majority of such stock, is owned or controlled by the same set of persons, the fact that the legal ownership of the land is in one corporation, and that of the water is in another corporation, shall not prevent the application of this section, if the other conditions specified in the section exist."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 199, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 319—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

On motion of Senator Lukens, passed on file, to retain place.

Senate Joint Resolution No. 5—Relative to Venezuela affairs.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Constitutional Amendment No. 3—To propose to the people of the State of California an amendment to Article XI of the Constitution, providing for the framing and adoption of county government Acts by the voters.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 553—An Act to repeal an Act entitled "An Act to create a State Board of Accountancy and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualify applicants with the designation of certified public accountants, and provide the grade of penalty for violation of the provisions hereof," approved March 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 553 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Lukens, Nelson, Oneal, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE JOINT RESOLUTION No. 7.

Memorializing our Senators and Representatives in Congress to support a resolution introduced in the House of Representatives by Hon. A. C. Dayton, of West Virginia, opening the way for a rapid increase of the United States Navy.

WHEREAS, There is now pending before Congress a resolution introduced by Representative A. C. Dayton, of West Virginia, opening the way for a rapid increase of the United States Navy; and

WHEREAS, In view of the fact that battleships of modern construction are necessary for the first line of defense of our long line of coast and general commercial and maritime interests; and

WHEREAS, The naval war college has recommended a policy whereby the strength of our navy could be brought to a condition, within a fixed and definite period, that would make it strong enough to cope on our own or insular shores with any possible combination that is likely to be formed; and

WHEREAS, The coast line of California is greater in extent than that of any other State in the Union, a proper naval protection of our State is a matter of supreme interest and vast importance; therefore, be it

Resolved, That it is the sense of this Legislature that the purposes indicated in said resolution are wise and worthy of hearty support, and that the Secretary of the Senate is hereby instructed to immediately forward to each of our Senators and Representatives in Congress a copy of this resolution.

Joint resolution read.

The question being on the adoption of joint resolution.

The roll was called, and Senate Joint Resolution No. 7 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Rowell, Sanford, Selva, Smith, Ward, Wolfe, and Woodward—27.

NOES—Senators Savage and Shortridge—2.

Joint resolution ordered transmitted to the Assembly.

CONSIDERATION OF SENATE BILL No. 406.

Senator Smith asked for and was granted unanimous consent to take up for immediate consideration Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 625a, relating to unlawful interferences with public fire alarms.

The question being on the passage of the bill.

On motion of Senator Wolfe, the same was passed on file, to retain place.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Constitutional Amendment No. 2—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing courts of appeal.

The Committee on Constitutional Amendments having reported back a substitute for Senate Constitutional Amendment No. 2, Senator Lukens moved that the report of the committee be received.

Motion carried.

On motion of Senator Lukens, the proposed committee substitute was ordered printed, and to retain place on file.

Senate Constitutional Amendment No. 16—Submitting to the people of the State of California an amendment to the Constitution amending Section 1, Article XX of the Constitution of the State of California, relative to the seat of government of said State and the manner of changing the same.

On motion of Senator Oneal, passed on file, to retain place.

SENATE JOINT RESOLUTION No. 8.

Relating to the purchasing and making free, by the United States Government, of the toll roads over the Yosemite National Park, in the State of California.

WHEREAS, The State of California did, in the years eighteen hundred and eighty-five and eighteen hundred and eighty-nine, purchase and make free the portions of those certain three toll roads lying within the bounds of the grant of the Yosemite Valley (containing about thirty-six thousand acres), made to the State of California by Act of Congress, passed June thirtieth, eighteen hundred and sixty-four, said roads having been built into and over said grant by permission of the State of California, and the commissioners to manage said park, provided by said Act of Congress;

AND WHEREAS, The Congress of the United States did, on October first, eighteen hundred and ninety, pass an Act establishing the Yosemite National Park, containing about one million acres, in the center of which the said original Yosemite Valley grant lies, but did not provide for the making free of the said three toll roads which pass over said national park and into said Yosemite Valley, or for the making free of that certain fourth toll road which passes through said park, but not into said Yosemite Valley;

AND WHEREAS, The Yosemite National Park is visited annually by many thousands of Californians and others, and it is a matter of great importance to the people of the United States and particularly to the people of the State of California that these toll roads should be made free by the National Government, and the anomaly of paying tolls in a people's park be done away with;

AND WHEREAS, Congress has appropriated for the Yellowstone National Park over \$1,100,000, of which the sum of \$257,800 was appropriated at the last session of the present Congress, and has appropriated many hundreds of thousands of dollars for other national parks, but only the sum of \$22,000 for the Yosemite National Park;

AND WHEREAS, At the fifty-sixth session of Congress a special commission was created to examine and report upon the feasibility of acquiring the four toll roads in and about said park, and for the construction of other necessary new roads within said park;

AND WHEREAS, Said commission has reported fully as to the needs of said park and the amount of expenditure necessary therefor, and did recommend that the said four toll roads be purchased at the price of \$208,750, before the National Government construct any new roads; therefore, be it

Resolved by the Senate and Assembly, jointly, That the same policy which induced the State of California to buy and make free the toll roads and trails in the California Yosemite Valley grant should also influence the National Government to buy and make free the toll roads which traverse the Yosemite National Park; and that our Senators in Congress be instructed, and our Representatives be requested and urged, to take such action as shall result in the securing of proper appropriations at the present session of Congress, in accordance with the report of said commission, for the purchase of these roads, to the end that said Yosemite National Park shall be made a park in fact, as well as in name, accessible to the people of the United States at all times.

Resolved further, That the Chief Clerk of the Assembly be instructed to transmit by mail a copy of this resolution to the President of the Senate and to the Speaker of the House of Representatives of the United States of America, and to each Senator and Representative of the State of California at Washington, D. C.

Joint resolution read.

The question being on the adoption of Senate Joint Resolution No. 8.

The roll was called, and Senate Joint Resolution No. 8 adopted by the following vote:

AYES—Senators Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Muenster, Nelson, Oneal, Pendleton, Rowell, Savage, Ward, Williams, Wolfe, and Woodward—25.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 6—An Act to provide for the purchase of additional lands for the Napa State Hospital—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 49—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

Also: Senate Bill No. 57—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction.

Also: Senate Bill No. 103—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos in the power house at the Veterans' Home located at Yountville, Napa County, State of California.

Also: Assembly Bill No. 612—An Act making an appropriation of \$1,310.76 for transportation of officers and members of the National Guard of California.

Also: Senate Bill No. 602—An Act to appropriate the sum of \$7,000 for the purpose of laying the necessary pipes and placing in the several rooms of the State Capitol the necessary steam radiators to properly heat said rooms by steam.

Also: Assembly Bill No. 70—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont Street wharf, in the City and County of San Francisco.

Also: Senate Bill No. 370—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DEVLIN, Chairman.

Senate Bills Nos. 6, 49, 57, 103, 602, 370, and Assembly Bills Nos. 612 and 70, ordered on file.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 563—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of the State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof by widening, deepening, and straightening and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUCHSINGER, Chairman.

Senate Bill No. 563 ordered on file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 139, An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893, have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

BAUER, Chairman.

Assembly Bill No. 139 ordered on file.

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the sum of \$223.20 be and the same is hereby appropriated out of the Contingent Fund of the Senate to pay the traveling expenses of members of committee in visiting and examining the Ukiah State Hospital at Mendocino, Home of Feeble-Minded at Glen Ellen, Veterans' Home at Yountville, and Napa State Hospital, under authority of resolution adopted by this body, and that the State Controller is hereby directed to draw his warrant to the order of H. A. Bauer, chairman of this committee, for said sum, and the State Treasurer is hereby directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Hahn, Knowland, Lardner, Luchsinger, Muentner, Nelson, Pendleton, Ralston, Rowell, Savage, Selvage, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—25.

NOES—None.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 274—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof; to provide the penalty therefor, and to appropriate money to enforce the same, have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DEVLIN, Chairman.

Senate Bill No. 274 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 251—An Act to select and adopt the "Golden Poppy" as the State flower of California.

Senate Bill No. 70—An Act making an appropriation for the purchase of law books for the Attorney-General's office for the remainder of the fifty-fourth fiscal year.

Senate Bill No. 144—An Act to amend Sections 408, 409, 410, and 420, and to repeal Section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of Secretary of State.

Senate Bill No. 292—An Act in relation to municipal bonds.

Senate Bill No. 80—An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Senate Bill No. 350—An Act to amend Section 3442 of the Political Code of the State of California, relating to the purchase of swamp and overflowed or tide lands of the State of California.

Senate Bill No. 311—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor.

Senate Bill No. 104—An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon, the President or Vice-President of the United States, the Governor of any State or Territory, any United States Justice or Judge, or the secretary of any executive department of the United States, a felony; and providing a penalty therefor.

Senate Bill No. 21—An Act creating a fund for the benefit and support of high schools and providing for its distribution.

Senate Bill No. 59—An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons.

And report that the same have been correctly enrolled, and presented the same to the Governor on this eighteenth day of February, 1903, at eleven o'clock and forty minutes A. M.

HUBBELL, Chairman.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 155—An Act to amend Section 1489 of the Political Code, relating to the powers and duties of Boards of Trustees of the Normal Schools in the State of California.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "teachers and other employes, fix their salaries and prescribe," in line fifteen, second page, printed bill, and inserting in lieu thereof the following: "teachers and other employes upon their nomination by the president of the school, fix their salaries and prescribe."

The question being on the adoption of the committee amendment.

The roll was called, and amendment adopted by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Rowell, Sanford, Tyrrell of Nevada, Ward, and Woodward—20.

NOES—Senators Bauer, Bunkers, Byrnes, Hubbell, Oneal, Pendleton, Plunkett, Ralston, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Williams, and Wolfe—15.

Also:

Amend by adding the words "all such moneys received shall be turned into the contingent fund to the credit of said school," in line thirty-three, second page, printed bill.

Amendment adopted.

Also:

Amend by striking out the words "any crime either" in lines forty-five and forty-six second page, printed bill, and inserting in lieu thereof the word "a."

Amendment adopted.

Also:

Amend by striking out the words "or misdemeanor" in line forty-six, second page, printed bill.

Amendment adopted.

Also:

Amend by striking out the words "Shall not be again admitted as a pupil in any Normal School in this State," in lines fifty-five and fifty-six, third page, printed bill, and inserting in lieu thereof the following: "May be refused admission as a pupil in any Normal School in this State."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Oneal moved that the vote whereby Senate Bill No. 154—An Act to amend an Act entitled "An Act for the protection of children, and to prevent and punish wrongs to children," approved March 29, 1878, by amending Sections 1 and 3 thereof—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Coggins, Coriatt, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Plunkett, Ralston, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—28.

NOES—Senators Bunkers and Nelson—2.

The vote whereby Senate Bill No. 154 was refused passage, having been reconsidered, the bill was taken up for consideration.

Senate Bill No. 154—An Act to amend an Act entitled "An Act for the protection of children, and to prevent and punish wrongs to children," approved March 29, 1878, by amending Sections 1 and 3 thereof.

The question being on the passage of the bill.

On motion of Senator Oneal, passed on file, to retain place.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 10—An Act to provide free school text-books for the pupils of the common schools of the State of California.

Passed on file.

Senate Bill No. 89—An Act to amend Sections 3456 and 3459 of the Political Code of this State, relating to the appointment of commissioners of assessment in reclamation districts.

On motion of Senator Sanford, passed on file, to retain place.

Senate Bill No. 83—An Act to amend Section 86 of the Code of Civil Procedure, relating to the justices' clerk in every city and county of more than one hundred thousand population.

On motion of Senator Wolfe, passed on file, to retain place.

Senate Bill No. 90—An Act authorizing and directing the State Board of Prison Directors to cut, manufacture, and sell stone to cities, counties, or cities and counties, for bridge and road purposes.

Bill read second time, and, on motion of Senator Devlin, passed on file, but still open to amendment.

Senate Bill No. 387—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

During second reading of bill, the following amendment was submitted by the committee:

Amend in line twenty-four, second page, section one, printed bill, by adding the following: "provided, that teachers of oral instruction for the deaf shall, in addition to the special certificate for such subject, be required to hold a grammar-school certificate."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 82—An Act to add a new section to the Civil Code, to be known as Section Number 108, relating to divorces.

Passed on file.

Senate Bill No. 209—An Act to amend an Act entitled "An Act to create a State Board of Accountancy and prescribe its duties and

powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, by amending Section 2 thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 561—An Act to repeal an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 589—An Act to amend an Act entitled "An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 595—An Act making an appropriation to pay the claim of A. W. North against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 516—An Act to regulate the work and hours of selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

At twelve o'clock and nineteen minutes P. M., Hon. W. C. Ralston, State Senator from the Tenth Senatorial District, in the chair.

Senate Bill No. 129—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 560—An Act to amend an Act entitled "An Act to establish a Civil Code," relating to granting of divorces.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 296—An Act to provide for the better protection of child life as against the issuance to parents or guardians any insurance or certificate of insurance on the life or death of a child under the age of thirteen years in the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 376—An Act regulating the use of trade union labels upon printed matter furnished by or for the State of California.

During second reading of bill, the following amendments were offered: By Senator Bunkers:

In section one, line eight, add after the words "North America," "also the International Printing Pressmen's Union label."

Amendment adopted.

Also: Section two, line five, add after the words "North America," "also the International Printing Pressmen's Union label."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 377—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles or jars, making it a misdemeanor, and providing penalties for the violation thereof.

During second reading of bill, the following amendment was offered:

By Senator Bunkers:

Insert after the title the enacting clause, as follows: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee appointed to visit the State prisons at San Quentin and Folsom was received, and ordered printed in the Journal:

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: Your committee appointed to visit the State prisons at San Quentin and Folsom, under resolution of the Senate adopted February 4, 1903, respectfully report as follows:

The committee visited San Quentin on Sunday, the 8th inst., and inspected the institution in a careful manner, going through every department, and found everything in first-class condition, as far as could be observed, from a mechanical standpoint. The institution was thoroughly clean, the prisoners being supplied with sufficient clothing and bedding, the food good, and the discipline very good; all of the officers working in harmony for the best interests of the State. A careful investigation into the opium and morphine evil, the great bane of penal institutions, convinced us that very little, if any, of either of these drugs find their way into this prison. The committee had learned in a general way that the strait-jacket and tricing-up process had been used here with frequency, resulting in permanent injury to the unfortunates placed therein, but having nothing definite or specific upon which to base an investigation, no action was taken upon this matter.

Folsom State Prison.

The committee visited this place on the 11th inst., and also carefully inspected the entire prison. From a mechanical and sanitary standpoint, everything was found to be in first-class condition, the prison clean throughout, though in the sleeping quarters very cold, occasioned by the water used upon the cement floors, which does not dry at this time of the year.

Senator George Williams, a member of the committee, having in his possession considerable data regarding the use of the strait-jacket at this institution, which, if true, would reveal a horrible condition of affairs, your committee decided to investigate the same; and for that purpose went into executive session at 8 p. m., and remained in such session continuously until 3:15 a. m.

During this time over twenty-eight prisoners were examined, also the guards, Captain of Guards, General Overseer, and Warden. The facts gleaned from this investigation were horrible indeed, as, resulting from the use of the strait-jacket, some of the prisoners being maimed for life, and unable to follow the pursuit of even manual labor, much less skilled labor. In order that some idea may be had of this instrument of torture, it is thus described: The strait-jacket is made of very heavy, closely-woven material, similar to the heaviest tarpaulin or sail-cloth. It is made in one piece, open at the back for the entire length. It fits closely at the neck, which is bound with leather, as are the edges along the opening in the back. Over each of these edges is doubled for the entire length a heavy piece of leather, extending back on outer and inner sides for about four or five inches, in which are set heavy eyelets, about one inch apart, for the purpose of lacing the instrument on the body. For this purpose a stout, closely-woven half-inch cord is used. There are no openings for the arms.

The jacket is placed on the victim over his clothing. He is then laid face downward upon the floor, and the lacing is done by men kneeling upon the prisoner and pulling the cord as tight as it possibly can be done. When laced, the poor victim is utterly unable to move either hand or foot. In this condition he is carried into a cell, laid upon the floor, and the cell door is closed and locked. If the prisoner to be subjected to this torture happened to be a small man, blankets would be placed inside the strait-jacket so that the hellish machine might be laced more tightly. At Folsom, a smaller strait-jacket was made by Warden Wilkinson, so that the punishment might be made more severe.

The men who did the lacing each weighed over 200 pounds, and when they could not pull the cord tight enough to suit them, they would take a stick about two feet long, and, using it as a "Spanish windlass," would tighten the strait-jacket to the highest degree possible by this hellish means. While lacing a prisoner, the brutal tools of Warden Wilkinson would watch the prisoner, and when he would exhale his breath, they would tighten the jacket so as to catch the lungs and abdomen when depleted of air. After lacing them in this manner, the prisoner, while lying in the strait-jacket, would be forced to take drastic doses of salts, their mouths being pried open and their noses held closed while the powerful dose of purgative would be poured down their throats, as high as four doses of salts being given to the same man while the strait-jacket continuously remained laced as above stated.

The recital of the condition of these men, after lying in the strait-jacket under such treatment, can not be told in public print; bathed from head to foot in their own excrement; scorched and blistered by their urine, and for every moment of the time suffering every pain and torture which the human frame can know, relieved only by spells of unconsciousness, finally to be released, maimed and crippled for life, and in one instance at least, to suffer death within twenty-four hours after being taken from the strait-jacket, dying in a cell alone where even a drink of water was denied him.

Your committee does not deem it necessary to go into further details regarding the strait-jacket or its use beyond stating that the guards who did this work were brutal in the extreme, and that their actions at all times were known to the Warden, who alone has the authority to order this punishment and keep men confined, bound like a bale of cotton, for over fifty hours at a time. The Warden, in his testimony before the committee, admitted that sometimes the prisoners were too severely dealt with; but laughed it off by saying that at times the prisoner would get saucy to the guards, who in turn would become angry and take it out on their unfortunate victim, using unnecessary force and brutality in so doing.

We condemn the use of the strait-jacket as an unnatural, barbarous, degrading, inhuman, and un-American mode of punishment, and recommend that it be forever abolished from our penal institutions.

The tricing-up process, which consists of placing handcuffs upon the prisoner, with his hands behind him, and connecting the cuffs with a chain suspended from a ring in the wall above his head, holding the man's hands high up and compelling him to bend forward in a stooping posture, is also a cruel mode of punishment; and we recommend that this practice be also abolished, as it works irreparable injury upon the kidneys, and causes the victim to faint after undergoing the punishment for two hours, when he is revived and hung up again. This mode of punishment is still in use at the prison.

Many complaints were made about the food and the manner in which it is cooked, and upon investigation by members of the committee were found to be true. An improvement in this respect is urgently needed, and it should be remedied at once. We also found that a system of petty thieving exists among the cooks and waiters, who hold out meat and other articles of food and sell it to the prisoners, when it should be placed upon the table. This is known to the Warden, who seems powerless to stop it, and it continues to this time.

For some reason which this committee will not attempt to explain, there exists a lack of harmony between the Warden and his officers, and they are not taken into his confidence; and few of them, if any, are ever consulted by him. This, we believe to be detrimental to the best interests of the institution and largely responsible for the great quantity of opium in use by the convicts, which can be had at all times if one has the money to pay for it.

We also find that the blankets in use are old and worn, and many of the prisoners are compelled to go to bed with their clothes on in order to have sufficient warmth for their bodies. This is also known to the Warden, but the unfortunates are permitted to suffer, just the same.

We also find that the prison record book of punishments, in which every punishment should be entered, does not contain a true record of punishments by any means, many instances of tricing-up, strait-jacket, and one of a prisoner being seven months in a dungeon and released but a few days prior to our visit to the prison, never having been recorded at all. The General Overseer, whose duty it is to make these entries, was asked why he had not done so, and he replied: "Because they were never reported to him by the Warden, who ignored him completely." Under these conditions, the discipline is necessarily bad, and should not be permitted to continue in this manner, which, in our opinion, militates against the best management and interests of the prison.

The strait-jacket was abolished by the Board of Directors over a year ago. After they had investigated the cruel and inhuman use to which it was put, they at once ordered it stopped.

We believe some sort of punishment should be meted out to refractory prisoners, but it should be humane in its application or use, and no person should be permitted to exercise arbitrary power over another in the way of corporal punishment in prison; for oftentimes incompetence, anger, or indifference works a horrible suffering upon an unfortunate unable to help himself.

We recommend that a special committee be appointed to further examine into the management and conduct of the State prisons, and that they be empowered to send for persons and books as may be necessary to carry out their purpose, and that they be permitted to incur such expenses as are absolutely necessary.

JOHN R. TYRRELL, Chairman.
SELVAGE.
DIGGS.
KNOWLAND.
MUENTER.
WILLIAMS.
BUNKERS.
COGGINS.
SAVAGE.
NELSON.

SPECIAL ORDER SET.

On motion of Senator Tyrrell of Nevada, the consideration of the report of the special committee, relative to the State prisons at San Quentin and Folsom, was made a special order for Thursday, February 19, 1903, immediately after the introduction and first reading of bills.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Savage, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 17, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 343—An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court—and respectfully ask your honorable body to concur in the amendment.

Also: Passed Senate Bill No. 75—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Also: Senate Bill No. 239—An Act to amend Section 2653 of the Political Code, relating to duties of Supervisors respecting roads.

Also: Senate Bill No. 240—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco, by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners, and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued.

Also: Senate Bill No. 51—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 343?"

Amend by striking out all of section two.

The roll was called, and Assembly amendment to Senate Bill No. 343 was concurred in by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Sanford, Savage, Smith, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—25.
NOES—None.

Senate Bills Nos. 343, 75, 239, 240, and 51 ordered to enrollment.

RECESS.

At twelve o'clock and thirty minutes P. M., the Acting President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 187—An Act to appropriate the sum of \$5,000 to pay the amount of a judgment against the State of California, and in favor of Robert Y. Hayne, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 187 finally passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Lukens, Muentner, Nelson, Oneal, Ralston, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER LAID ON THE TABLE.

Senator Oneal moved that his notice of motion to reconsider the vote whereby Senate Bill No. 444—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards—was on yesterday passed, be laid on the table.

Motion carried.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

On motion of Senator Ralston, passed on file, to retain place.

Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

On motion of Senator Ralston, passed on file, to retain place.

Assembly Bill No. 14—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 2955 thereof, relating to mortgages upon personal property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 14 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Ralston, Sanford, Savage, Selvage, Tyrrell of Nevada, Ward, Williams, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 186—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 382—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

During the second reading of bill, the following amendment was submitted by the committee:

Amend by inserting the words "not less than five" after the words "such number" in line twenty, second page, printed bill.

Amendment adopted.

Bill read second time, ordered to print, and third reading.

ASSEMBLY BILL RE-REFERRED.

On motion of Senator Lukens, Assembly Bill No. 164—An Act to amend Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations—was ordered recalled from Committee on Corporations to be referred to Committee on Judiciary, and when reported back by Committee on Judiciary to be re-referred to Committee on Corporations.

Assembly Bill No. 225—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of this State.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 224—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "must" in line eight, first page, printed bill, and inserting in lieu thereof the following: "may in their discretion."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 383—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

During second reading of bill, the following amendments were offered:
By Senator Sanford:

Insert in line six, after the word "color," the word "name."

Amendment adopted.

Also: Insert between lines eleven and twelve the following:

"Third—The number of school children in each house, or family, that have not been vaccinated."

Amendment adopted.

Also: In line twelve strike out the word "third" and insert the word "fourth."

Amendment adopted.

* Also: In line fourteen strike out "fourth" and insert "fifth."

Amendment adopted.

Also: In line sixteen strike out "fifth" and insert "sixth."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

CONSIDERATION OF SENATE BILLS.

Senate Bill No. 247—An Act to provide for the appointment of a county livestock, dairy, food, and sanitary inspector, prescribing his duties, powers, and compensation.

During second reading of bill, the following amendments were submitted by the committee:

Amend by inserting the word "knowingly" after the word "persons" in section nine, in line one, third page, printed bill.

Amendment adopted.

Also: Amend by striking out the words "known to be" after the word "cow," in section nine, line three, third page, printed bill.

Amendment adopted.

Also: Amend by striking out the word "test" in section twelve, in line two, fourth page, printed bill, and inserting in lieu thereof the word "inspect."

Amendment adopted.

Also: Amend by striking out all of section twelve, in lines one to seventeen, fourth page, printed bill, and inserting in lieu thereof the following:

"SEC. 12. It shall be the duty of the county livestock, dairy, food, and sanitary inspector to inspect all cattle kept for dairy, creamery or milking purposes, in the county, and to inspect all animals intended to be slaughtered for human food, in order to ascertain the pathological condition of such animal; and to condemn, and cause to be removed from contact with other animals, or to be destroyed, all such animals as may be found to be unfit to be converted into human food, or suffering from any contagious or infectious disease; to condemn, and cause to be destroyed, all meats, poultry, game, or fish exposed or intended for sale for human food which may be found to be wholly or partially diseased, decomposed, putrid or infected; and to prevent the sale of milk from any diseased cow, or other diseased animal, and all such milk as is found to be unclean or adulterated, by destroying or disposing of the same."

Amendment adopted.

Also: Amend by striking out all of section thirteen, fourth page, printed bill, and inserting in lieu thereof the following:

"SEC. 13. Any animal or animals that are found on the inspection of the county livestock, dairy, food, and sanitary inspector to be infected or affected with any contagious, infectious or other disease, capable of affecting the products of said animal, and liable to be communicated to the consumer of said products, shall be branded with the letters 'CD' on the left jaw of said animal, each letter to be not less than two inches square."

Amendment adopted.

Also: Amend by striking out all of section fourteen, fourth page, printed bill, and inserting in lieu thereof the following:

"SEC. 14. It shall be the duty of the county livestock, dairy, food, and sanitary inspector to make a monthly report to the Board of Supervisors and the State Veterinarian, giving a full and complete record of all inspections and work performed by himself."

Amendment adopted.

The following amendment was offered by Senator Rowell:

Amend by inserting after the words "creamery and milking purposes in the county," in line three, fourth page, printed bill, the following: "by making a physical examination other than the tuberculin test, except when so requested by the owner or owners of the dairy or cattle in question."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

At two o'clock and thirty-five minutes P. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS.

On motion of Senator Wolfe, the special file of appropriation bills was taken up for second reading.

Senate Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties, and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological research.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 259—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "four," in line nine, section one of printed bill, and inserting in lieu thereof the word "two."

Amendment adopted.

Also: By striking out the word "commissioners," in line one, section three, and inserting in lieu thereof the word "court."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

COURTESY OF THE SENATE EXTENDED.

On motion of Senator Hubbell, the courtesy of the Senate was extended to a delegation of merchants from the State of Utah who are now touring this State.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS —(RESUMED).

Senate Bill No. 206—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code), in that certain action in the Supreme Court of the State of California entitled County of San Luis Obispo vs. Henry T. Gage, Governor of the State of California, Charles F. Curry, Secretary of State of the State of California, Tirey L. Ford, Attorney-General of the State of California, Henry T. Gage, Chairman of the Board of Examiners of the State of California, Charles F. Curry, member of the State Board of Examiners, Tirey L. Ford, member of the State Board of Examiners, Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, numbered Sacramento No. 1042; and also in that certain action commenced in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled County of Butte vs. Henry T. Gage, Governor of the State of California, Charles F. Curry, Secretary of State

of the State of California, Tirey L. Ford, Attorney-General of the State of California, Henry T. Gage, Chairman of the State Board of Examiners of the State of California, Charles F. Curry, member of the State Board of Examiners of the State of California, Tirey L. Ford, member of the State Board of Examiners of the State of California, Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, No. 9502; and also in those certain actions commenced in and decided by the Superior Court of the State of California in and for the County of Sacramento, and which were therein entitled *W. L. Wood vs. State of California*, No. 9555, *W. L. Wood vs. State of California*, No. 9622, *Charles Bickerdike vs. State of California*, No. 9608, *National Bank of D. O. Mills & Co. vs. State of California*, No. 9616, *J. J. Bauer vs. State of California*, No. 9304, *C. A. Weaver vs. State of California*, No. 9609, *A. T. Lightner vs. State of California*, No. 9613, *Geo. Leonard vs. State of California*, No. 9611, *C. A. Pommer vs. State of California*, No. 9610, *L. C. Wait vs. State of California*, No. 9612, *W. S. Hooper vs. State of California*, No. 9526, *E. Weisbaum vs. State of California*, No. 9615, *J. F. Pryor vs. State of California*, No. 9614, *W. B. Waldron vs. State of California*, No. 9617, *San Francisco Law and Collection Co. vs. State of California*, No. 9355, *N. Weisbaum vs. State of California*, No. 9616, *San Francisco Law and Collection Co. vs. State of California*, No. 9607; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled *Samuel Davis vs. State of California*, No. 6869; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, which was therein entitled *Samuel Davis vs. State of California*, No. 6871.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "its passage" in section four, in line one, fifth page, printed bill, and insert in lieu thereof the following: "January 1st, 1905."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 127—An Act making an appropriation to pay a judgment for the sum of \$5,880 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "*Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant*," numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the words "ninety two," section one, in line nineteen, second page, printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless, at the time such warrant is drawn, the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

SEC. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment, properly executed by the said Hakes Investment Company, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of Hakes

Investment Company, or its assigns, for the amount of said judgment, to wit: the sum of \$5,80.00, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

Sec. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two and three of the original printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 128—An Act making an appropriation to pay a judgment for the sum of \$8,655 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "W. R. Guy, plaintiff, versus The State of California, defendant," numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the words "ninety-three," section one, in line nineteen, second page, printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

Sec. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment, properly executed by the said W. R. Guy, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of W. R. Guy, or his assigns, for the amount of said judgment, to wit: the sum of \$8,655.00, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

Sec. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two and three of the original printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 213—An Act to appropriate \$6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer versus The State of California."

During the second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the words "nineteen hundred and two," section one, in line nine, first page, printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless, at the time such warrant is drawn, the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

Sec. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment, properly executed by the said Benjamin Lauer, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of Benjamin Lauer, or his assigns, for the amount of said judgment, to wit: the sum of \$6,725, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein con-

tained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two, three, and four of the original printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 267—An Act to appropriate the sum of \$290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

During the second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the word "one," in line fifteen, second page, section one, printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

SEC. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the said George Conway, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of George Conway, or his assigns, for the amount of said judgment, to wit: the sum of \$290, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two and three of the original printed bill.

Amendment adopted.

The following amendment was offered by Senator Curtin:

Amend by striking out the word "the" before the word "Senate" in the enacting clause.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 470—An Act to appropriate the sum of \$185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the word "Merced," in line nine, page two, section one, printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at

the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

SEC. 2. Under the conditions, and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the said John E. Tucker, as administrator of the estate of James H. Tucker, deceased, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, or his assigns, for the amount of said judgment, to wit: the sum of one hundred and eighty-five dollars, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two and three of said original bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 7—An Act to appropriate the sum of \$1,315 to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the word "one" in line fifteen, second page, section one, printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

SEC. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment, properly executed by the said Robert R. Potter, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of Robert R. Potter, or his assigns, for the amount of said judgment, to wit: the sum of \$1,315, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two and three of the original printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 268—An Act to appropriate the sum of \$1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker, based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, A. D. 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under

an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the word "one," section one, in line fifteen, second page, printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

Sec. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment, properly executed by the said M. Zirker, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of M. Zirker or his assigns, for the amount of said judgment, to wit: the sum of \$1,000, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

Sec. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two and three of said original printed bill.

Amendment adopted.

The following amendment was offered by Senator Curtin:

On page one strike out the word "the" in the enacting clause.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 130—An Act making an appropriation to pay a judgment for the sum of \$3,195 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "M. D. Corey, plaintiff, versus The State of California, defendant," numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the words "twenty-one," section one, in line eighteen, second page, printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

Sec. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment, properly executed by the said M. D. Corey, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of M. D. Corey, or his assigns, for the amount of said judgment, to wit: the sum of \$3,195.00, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

Sec. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two and three of the original printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 295—An Act making an appropriation to pay a judgment for the sum of \$1,320 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "Bank of Commerce, a corporation, plaintiff, versus The People of the State of California, defendant," numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, at page 391.

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the words "ninety-two," section one, in line twenty, second page, printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

SEC. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment, properly executed by the said Bank of Commerce, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of Bank of Commerce, or its assigns, for the amount of said judgment, to wit: the sum of \$1,320.00, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two and three of the original printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 275—An Act to appropriate \$500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4021 upon the register of the Superior Court of the County of Butte.

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the word "Butte," section one, in line seven, first page, printed bill, the following:

Provided, however, That no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

SEC. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment, properly executed by the said Charles Williams, judgment creditor herein, or such judgment creditor's successors in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of Charles Williams, or his assigns, for the amount of said judgment, to wit: the sum of \$500.00, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two and three of the original printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 46—An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the word "costs," section one, in line seventeen, second page, printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

Sec. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment, properly executed by the said R. Shaw, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of R. Shaw, or his assigns, for the amount of said judgment, to wit: the sum of \$3,730, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

Sec. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two and three of the original printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 481—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the word "costs," section one, in line sixteen, second page, printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

Sec. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment, properly executed by the said Oscar R. Brown, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of Oscar R. Brown, or his assigns, for the amount of said judgment, to wit: the sum of \$1,035, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

Sec. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two and three of the original printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 313—An Act making an appropriation to pay the judgment of \$550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on

December 15, 1902, in Judgment Book 3, page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the word "seven," section one, in line fifteen, second page, printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

SEC. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment, properly executed by the said Wm. Going, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of Wm. Going, or his assigns, for the amount of said judgment, to wit: the sum of \$550, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two, three, and four of the original printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 471—An Act to appropriate the sum of \$400 to pay the claim of John E. Tucker against the State of California upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the word "Merced," section one, in line seven, first page of printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

SEC. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment, properly executed by the said John E. Tucker, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of John E. Tucker, or his assigns, for the amount of said judgment, to wit: the sum of \$400, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two, three, and four of the original printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 299—An Act making an appropriation to pay the judgment of \$1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, versus The State of California, defendant," and which judgment

was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. 3 of judgments of the Superior Court of Calaveras County, page 333.

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the word "one," section one, in line fifteen, second page, printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

SEC. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment properly executed by the said John Raggio, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of John Raggio, or his assigns, for the amount of said judgment, to wit: the sum of \$1,125, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two, three, and four of the original printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 309—An Act making an appropriation to pay the judgment of \$370 obtained in the Superior Court of the State of California in and for the County of Amador on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book 3, page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. The State of California, defendant.

During second reading of the bill, the following amendments were submitted by the committee:

Amend by adding after the word "one," section one, in line fifteen, second page, printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

SEC. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment, properly executed by the said Joseph Quirolo, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of Joseph Quirolo, or his assigns, for the amount of said judgment, to wit: the sum of \$370, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two and three of the original printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 255—An Act to appropriate \$2,400 to pay the judgment against the State to recover in cause numbered 1323, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the words "nineteen hundred and two," section one, in line nine, first page, printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

SEC. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment, properly executed by the said James T. Laird, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of James T. Laird, or his assigns, for the amount of said judgment, to wit: the sum of \$2,400, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two, three, and four of the original printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 212—An Act to appropriate \$55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

During second reading of bill, the following amendments were submitted by the committee:

Amend by adding after the words "nineteen hundred and two," section one, on line nine, page one, printed bill, the following:

Provided, however, that no warrant shall be drawn or paid under the provisions of this Act before the first day of January, one thousand nine hundred and five, nor unless at the time such warrant is drawn the said judgment shall be standing not reversed or vacated, and there be pending no appeal therefrom.

SEC. 2. Under the conditions and after the date, and upon the contingencies stated in section one hereof, and upon the delivery to the Controller of a satisfaction of judgment, properly executed by the said Benjamin Lauer, judgment creditor herein, or such judgment creditor's successor in interest, the Controller is hereby authorized and directed to draw his warrant upon the Treasurer in favor of Benjamin Lauer, or his assigns, for the amount of said judgment, to wit: the sum of \$55, and the Treasurer is hereby directed to pay the same; and the authorization and direction herein contained are hereby exempted from the operation of the provisions of section six hundred and seventy-two of the Political Code.

SEC. 3. This Act shall take effect and be in force from and after January 1, 1905.

Amendment adopted.

Also:

Strike out all of sections two, three, and four of the original printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 331—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words and figures "forty-six thousand five hundred (46,500)" in section one, on lines one and two, first page, printed bill, and inserting in lieu thereof the following: "thirteen thousand (13,000)."

Amendment adopted.

Also:

Amend by striking out all of lines six, seven, and eight.

Amendment adopted.

Also:

Amend by striking out the words and figures "ten thousand (10,000)" in section one, line ten, page one, and inserting in lieu thereof the following: "five thousand (5,000)."

Amendment adopted.

Also:

Amend by striking out the word and figures "January 1, 1903," in section four, lines one and two, page two, and inserting in lieu thereof the following: "July 1, 1903."

Amendment adopted.

Also:

Amend by striking out the word and figure "Sec. 4," and inserting in lieu thereof the word and figure "Sec. 3."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 291—An Act appropriating the sum of \$200,000 for the purchase of a site and for the erection, equipment, and furnishing of a building or buildings for the use of the San Francisco State Normal School.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "two," in line one of title, first page, printed bill, and inserting in lieu thereof the word "one."

Amendment adopted.

Also:

Amend by striking out the word "two," in section one, line one, page one of printed bill, and inserting in lieu thereof the word "one."

Amendment adopted.

Also:

Amend by striking out the words "its passage," and inserting in lieu thereof "July 1, 1903."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 332—An Act making an appropriation for the California Polytechnic School.

During second reading of bill, the following amendment was submitted by the committee.

Amend by striking out the words "its passage," in section four, line two, first page, printed bill, and inserting in lieu thereof the following: "July 1, 1903."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 305—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words and figures "seven thousand five hundred (7,500)" in section one, line one, first page, printed bill, and inserting in lieu thereof the following: "five thousand (5,000)."

Amendment adopted.

Also:

Amend by striking out the words and figures "seven thousand five hundred (7,500)" in section two, line three, page one, and inserting in lieu thereof the following "five thousand (5,000)."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 5—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 399—An Act making an additional appropriation for the uses and purposes set out in an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899, and the several Acts amendatory of and supplemental thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 47—An Act to establish the California State dairy school and experiment farm, and to appropriate money therefor.

During second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 47.

An Act to provide for the establishment and operation of a State dairy school and experiment farm, the construction of a building for said school, to provide for the appointment of a commission to select a site for the location thereof, and appropriating money therefor.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The California State dairy school is hereby created and established, the said school to be located as hereinafter provided. The purpose of said school is to provide for education and instruction in the care, treatment, breeding and feeding of domestic live stock, in animal husbandry, and general scientific dairy and agricultural farming. The purpose and object of said school being more particularly to provide scientific instruction in the means and methods of producing and manipulating milk and cream, and manufacturing cheese, butter, and other milk and dairy products, and such other instruction as will best advance and promote the agricultural and dairy interest of the State.

SEC. 2. The said California State dairy school shall be located at such point or place within the State of California as is best adapted, qualified or fitted for the location of a State dairy school and experiment farm and the establishment and maintenance of the agricultural department of the California State University or a branch thereof. Said point of location to be determined upon and fixed by the commission provided for in section three hereof; *provided*, that no site shall be selected unless there shall be given to the State of California for the use of said school and farm at such place at least one hundred and sixty acres of good first-class irrigable land, together with a water right appurtenant thereto necessary and sufficient to irrigate said land and to supply water for domestic use, live stock and other purposes.

SEC. 3. For the purpose of determining the point or place in this State where such dairy school shall be located and the point which, by reason of the nature of its soil and climate and the character, variety, and quality of its products, would be best adapted for the location of a State experimental farm and the location of the agricultural department of the California State University, or a branch thereof, a commission is hereby created to consist of the President of the California State University and all the professors in the agricultural department of the California State University who are actively connected therewith and employed as instructors therein at the passage of this Act.

SEC. 4. Within thirty days after the passage of this Act said commission shall commence investigation for the purpose of determining the site best calculated for the use of the dairy school, and best calculated for the location of said experimental farm and the establishment and operation of the agricultural department of the State University,

or a branch thereof, and shall continue such investigation actively until they have selected said site and determined where said school could be most advantageously located. They shall take options or bonds for the purchase of additional land adjoining the property donated and given as provided for in section two of this Act, and, in general, secure such rights and procure such other gifts, contracts or privileges as may be necessary or beneficial, or for the best interests of the said dairy school, experimental farm and agricultural department when located or established. Immediately after said commission shall have selected said site they shall prepare a report of their investigation and conclusion and submit the same to the Regents of the California State University, who shall locate, establish, and operate said school at said place.

SEC. 5. The said Regents of the California State University shall thereupon immediately prepare for the construction of a building for the use of the said State dairy school and experiment farm, and make provisions for the immediate construction and completion thereof. They shall equip the same with modern dairy appliances, and generally make such provisions with respect to the equipment, apparatus, and other furnishings as will fit said building for immediate use for the dairy school and experiment farm, and shall purchase or procure the necessary live stock to be used in connection therewith, as herein provided for. They shall thereupon provide for the assignment of instructors to said school and experiment farm, and for the immediate commencement of instruction therein and the operation thereof as a practical, scientific, modern dairy school and experiment farm, as hereinabove provided.

SEC. 6. The California State dairy school and experiment farm shall be operated by and shall be under the direction and sole management and control of the said Regents of the California State University and shall be conducted by said Regents in connection with the present agricultural department of said university and as a portion thereof.

SEC. 7. The sum of fifty thousand dollars is hereby appropriated for the purposes of this Act, the said sum to be paid to be available for the use by the Regents of the State University for the purpose of this Act, as follows: The sum of one thousand dollars shall be immediately available, which shall be used for the payment of the actual traveling expenses of the commissioners hereinabove provided for in making their investigation and in determining upon and selecting a site for the location of the said dairy school; twenty-five thousand dollars January first, 1904, and the remaining twenty-four thousand dollars, January first, 1905.

SEC. 8. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 73—An Act to appropriate \$55,070.00 for the purchase of additional lands for the use of the Stockton State Hospital, with the existing improvements thereon; for further improvements thereon; to purchase dairy cows, and hogs, and to purchase irrigating plant, all for the use of said hospital.

During second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 73.

An Act to appropriate \$30,000 for the purchase of additional land for the use of the Stockton State Hospital, with the existing improvements thereon; and to purchase dairy cows, all for the use of said hospital.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State treasury not otherwise appropriated, the sum of thirty thousand dollars, to be paid on the order of the board of managers of the Stockton State Hospital, for the purchase of additional land for the use of the Stockton State Hospital, with the existing improvements thereon; and to purchase dairy cows, all for the use of said hospital. Of which sum twenty-two thousand three hundred and twenty dollars shall be paid and appropriated for the purchase of additional land; two thousand dollars for the existing improvements thereon, which is a dwelling-house, recently erected; and fifty-six hundred and eighty dollars is appropriated for the purchase of dairy cows.

SEC. 2. Any lands so purchased by said board of managers under the provisions of this Act shall be sufficiently near to said hospital that they can be conveniently used for farming, or agricultural purposes, in connection therewith.

SEC. 3. The State Board of Examiners shall examine, audit, and allow all demands arising under this Act, and the Acts herein mentioned, and the State Controller shall thereupon draw his warrant therefor, payable out of the general fund, and the State Treasurer is hereby authorized to pay the same.

SEC. 4. In no case shall the board of managers of said hospital use any moneys herein specifically appropriated for any purpose other than the one for which such appropriation is made.

SEC. 5. This Act shall take effect from and after July 1, 1903.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 26—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "one hundred and two thousand and five hundred" in section one, line three, first page, printed bill, and inserting in lieu thereof the following: "sixty-one thousand."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF BILL—(OUT OF ORDER).

Senator Nelson asked for and was granted unanimous consent to take up Senate Bill No. 328 for immediate consideration.

Senate Bill No. 328—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Read third time.

Senator Nelson moved to refer to Senator Tyrrell, as a special committee of one, to amend as follows:

AMENDMENT No. 1.

Insert after the word "property" in line four of section one, the following: "where no real property is assessed as security for the payment of such personal property taxes, or where, in the judgment of the Board of Supervisors, there is not sufficient real property assessed to secure the payment of such personal property taxes."

AMENDMENT No. 2.

Strike out the word "duplicate" in line one of section two.

AMENDMENT No. 3.

Insert after the word "method" in line four of section four the following: "nor shall the provisions of this Act in any manner abrogate or modify the provisions of Sections 3831 or 3899 of the Political Code of the State of California."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 328, with instructions to amend, respectfully reports the same back, amended as per instructions.

JOHN R. TYRRELL, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and re-engrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 507—An Act to provide for the licensing and inspecting of maternity hospitals, lying-in asylums and homes for children; defining the duties of persons conducting the same, and the duties and powers of the County Boards of Health or County

Health Officers and other health officers in relation thereto, and providing a penalty for the violation of its provisions—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

MUENTER, Chairman.

Senate Bill No. 507 ordered on file.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State of California by adding a new section thereto, to be numbered Section 10½, in relation to revenue and taxation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Constitutional Amendment No. 8—Proposed amendment to Article VI of the Constitution, relative to the salaries of Justices of the Supreme Court and Judges of the Superior Courts, and the manner of payment thereof.

Also: Senate Constitutional Amendment No. 5—Relative to the Supreme Court.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

WARD, Chairman.

Assembly Constitutional Amendment No. 17 and Senate Constitutional Amendments Nos. 8 and 5 ordered on file.

ADJOURNMENT.

At three o'clock and ten minutes P. M., on motion of Senator Wolfe, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 19, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 18, 1903, the further reading was dispensed with, on motion of Senator Shortridge.

APPROVAL OF JOURNAL.

The Journal of Monday, February 16, 1903, having been corrected, was read and approved.

COMMUNICATION.

The following communication was read by the Secretary, and ordered printed in the Journal:

SAN FRANCISCO, February 17, 1903.

MR. FRANK J. BRANDON, *Secretary of the Senate, Sacramento, California*:

DEAR SIR: I beg leave to acknowledge the receipt of the resolutions of respect to the memory of my late husband, Senator Lawrence J. Dwyer, recently adopted by the Senate, and to express, through you, to the members my deep appreciation and heartfelt gratitude for this touching tribute. I remain,

Yours very sincerely,

MRS. L. J. DWYER.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By the President:

IRON MOUNTAIN MINERS' UNION, No. 169, }
FIELDING, CALIF., February 14, 1903. }

At a meeting held on the 13th day of February, 1903, this union adopted the following resolution:

WHEREAS, This union heartily indorses the purposes for which Senate Bills Nos. 304, 314, and 214 were framed, and now before the present session of the Senate of the State of California; therefore, be it

Resolved, That we petition Mr. Alden Anderson, President of the Senate, requesting the passage of said bills numbered 304, 314, and 214; and be it further

Resolved, That a copy of these resolutions be forwarded to Mr. Alden Anderson, President of the Senate, and to the Senator from this district, and spread on the minutes of this union.

A. M. KOGER, President.

MICHAEL TRAYERS, Vice-President.

R. E. COCHRAN, Financial Secretary.

[SEAL.]

By Senator Belshaw:

SAN FRANCISCO, CAL., February 18, 1903.

MR. C. M. BELSHAW, *Capitol, Sacramento*:

DEAR SIR: We, the members of the Woman's Christian Temperance Union of San Francisco, desire to enter our protest against the brutal and cruel so-called sport of coursing. We indorse your action in introducing bills in the Legislature which, if enacted into laws, will put a stop to coursing in inclosed parks. We earnestly pray that such a law be passed. Coursing as now conducted is demoralizing to the community. Wives, mothers, and children are the ultimate sufferers on account of the gambling feature. By unanimous vote of the Woman's Christian Temperance Union, it was decided to forward this protest to the Legislature, replying to your interest in furthering the moral welfare of the State.

(Signed:)

MRS. BRADLEY, County President.

MRS. MCCOY, Pres. of the Central Union.

MRS. A. E. NORTON, Superintendent.

A PROTEST AGAINST THE PASSAGE OF SENATE BILL NO. 354.

MILLS BUILDING, SAN FRANCISCO, February 9, 1903.

To the Honorable Senate and Assembly of the State of California:

GENTLEMEN: We respectfully represent to your honorable bodies that the effect of the enactment into law of the provisions of Senate Bill No. 354, now pending before you, or similar provisions in any other bill, would be to paralyze the manufacturing industries of California and many of the producing industries depending upon them, for the reasons below stated.

The effect of this bill, if passed, will be to require that every article manufactured in this State shall be conspicuously labeled and stamped with the name and address of the manufacturer, and in towns and cities with his street and number, and to prohibit all dealers and other persons from selling or exposing for sale any articles made in this State unless so labeled, etc., under penalty, both in the case of the manufacturer and of the dealer, of conviction and punishment for misdemeanor.

Under the proposed Act, every one of the millions of cans, bottles, and other containers of fruits and other products made in this State would have to be stamped as specified. Likewise the ordinary labels covering these containers, as well as the boxes in which they are packed. Many parts of a battleship, of machinery, wagons, and other articles made here in part would have to carry the prescribed name and address. The requirement would apply to every brick made in the State and to other articles of clay, and even to a spool of thread, selling for one cent. The cost of compliance would in many cases be

prohibitive of manufacture, and in other cases burdensome and oppressive, and the value of many thousands of dollars' worth of labels, already prepared for use in the ordinary course of business and now on hand with our manufacturers, would be destroyed upon the passage of the bill.

The cause of this protest is that the provisions of this measure are utterly impracticable in character, opposed to fixed conditions of trade, and that they grossly discriminate against the manufactures of this State and in favor of articles made elsewhere and brought into this State, because the requirements of the bill do not and can not apply to articles made outside of this State. Should this bill specifically recite that no article made elsewhere and brought into this State shall be required to be so labeled, etc., and that no person selling it shall be punished, but that all articles made in our own State shall be so labeled and that any person making or selling anything made in this State not so labeled shall be fined and imprisoned, it would more clearly define the practical working of this measure, which seeks to brand the manufacturers of our State as criminals for doing what every manufacturer outside of the State is permitted to do and can not be prevented from doing.

The established conditions of trade imperatively require the manufacturer here and elsewhere to put up goods in many instances under the brand and label of the jobber or merchant. Refusal on the part of manufacturers of this State to comply with this demand of the jobber would inevitably send him to the manufacturers of States whose laws seek to build up their industries instead of to destroy them. One third of the market of many of our manufacturers would be lost in this manner alone through this measure, and the producers of fruits, vegetables and other products, as well as the manufacturer, would be irreparably injured.

We further respectfully represent to your honorable bodies that no part of this opposition to said bill relates to the purpose of the measure to distinguish between the products of white and of Chinese labor, and that, while it is possible that the originators of this measure conceived that they were working to a laudable end, no more sweeping blow, disastrous in its effects, could be struck at our industries than this proposed law.

We therefore most emphatically protest against the passage of Senate Bill No. 354, and of any other bill containing similar provisions.

Respectfully,

MANUFACTURERS AND PRODUCERS' ASSOCIATION OF CALIFORNIA.

(Signed:) A. SBARBORO, President.

CHARLES E. BANCROFT, Secretary.

[SEAL]

The Manufacturers and Producers' Association of California was organized in March, 1895. It is composed of producers and manufacturers throughout the State, and its leading purpose is to encourage the manufacture and production, distribution and consumption of California products of all kinds.

SPECIAL ORDER SET.

On motion of Senator Curtin, the consideration of Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporation, and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employes who shall violate or attempt or threaten to violate the provisions of this Act—was made a special order for Friday, February 20, 1903, immediately after the introduction and first reading of bills.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 612—An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as 3449½ of Title VIII, Article II, relating to public lands—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to Committee on Judiciary.

LUCHSINGER, Chairman.

Senate Bill No. 612 referred to Committee on Judiciary.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 568—An Act to provide for the amount and the manner of payment of salaries of Justices of the Peace in counties of the tenth class for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act, and repealing all laws in conflict therewith—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Senate Bill No. 610—An Act amending Sections 3924 and 3927 of the Political Code of the State of California, relating to the boundary lines between the counties of Placer and El Dorado—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

Also: Senate Bill No. 606—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as Section 25½, relating to the powers of Boards of Supervisors to lay out, establish, improve, and maintain public boulevards—have had the same under consideration, and respectfully report the same back, and recommend that the same do not pass.

Also: Senate Bill No. 622—An Act entitled "An Act establishing and declaring the populations of the counties of the State of California"—have had the same under consideration, and respectfully report the same back without recommendation.

WOODWARD, Chairman.

Senate Bills Nos. 568, 610, 606, and 622 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly re-engrossed and engrossed:

Senate Bill No. 422—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 23 thereof.

Senate Bill No. 208—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Senate Bill No. 151—An Act to amend Section 10 of an Act to provide for the organization and management of county fire insurance companies.

Senate Bill No. 320—An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same and to suppress and prevent dissemination of scab among sheep.

Engrossed Senate Bill No. 235—An Act to amend Section 737 of the Political Code, relating to the salaries of Superior Judges.

Engrossed Senate Bill No. 214—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the Inspector of Mines.

Engrossed Senate Bill No. 283—An Act to amend Section 631 of the Code of Civil Procedure, relating to the waiver of trial by jury.

Engrossed Senate Bill No. 435—An Act to amend Section 803 of the Code of Civil Procedure, relating to actions for the usurpation of an office or franchise.

HUBBELL, Chairman.

Senate Bills Nos. 422, 208, 151, 320, 235, 214, 283, and 435 ordered on file.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 623—An Act limiting the hours of service of laborers, workmen, and mechanics

employed upon the public works of, or work done for, the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof.

Also: Senate Bill No. 555—An Act defining the time within which employes are entitled to payment for work, labor, or personal service rendered to employers, and relating to contracts waiving or extending such time of payment.

Also: Senate Bill No. 564—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish and support a Bureau of Labor Statistics,' approved March 3, 1883," approved February 8, 1889.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

FRENCH, Chairman.

Senate Bills Nos. 623, 555 and 564 ordered on file.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bill No. 624—An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State, who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, "and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines, who served in the Army and Navy of the United States," approved March 23, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WILLIAMS, Chairman.

Senate Bill No. 624 ordered on file.

ON MINING.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Mining, to whom was referred Assembly Bill No. 55—An Act to validate and legalize the retention of fees heretofore retained by the recorders and mining recorders of the various counties of this State for the recording of notices of location of mining claims, and the recording of affidavits of annual expenditure upon such claims, and to provide for their retention hereafter by such officers for such services—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to the Judiciary Committee.

RALSTON, Chairman.

Assembly Bill No. 55 re-referred to Committee on Judiciary.

OF FINANCE.

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 375—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.

Also: Senate Bill No. 330—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

DEVLIN, Chairman.

Senate Bills Nos. 375 and 330 ordered on file.

SPECIAL ORDER SET.

On motion of Senator Leavitt, the consideration of Senate Bill No. 623—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof—was made a special order for Friday, February 20, 1903, after the introduction and first reading of bills, immediately following the consideration of the special order already set for that hour.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Luchsinger: Senate Bill No. 654—An Act to amend Section 3514 of Article IV of the Political Code, relating to public lands.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Williams: Senate Bill No. 655—An Act to add a new section to the Penal Code of the State of California, under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions.

Bill read first time, and referred to Committee on Public Morals.

By Senator Byrnes: Senate Bill No. 656—An Act to provide for the preservation, improvement, and maintenance of the "California Redwood Park," in Santa Cruz County, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Devlin: Senate Bill No. 657—An Act authorizing the State of California to accept a deed from Henry Cowell of certain land in the County of Mendocino, to be known as "Rowland Cowell Park," on certain conditions.

Bill read first time, and referred to Committee on Finance.

By Senator Muentner (by request): Senate Bill No. 658—An Act granting a bounty for the destruction of coyotes.

Bill read first time, and referred to Committee on Commissions, Retrenchment, and Reform.

By Senator Hahn: Senate Bill No. 659—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section to the Civil Code of the State of California, to be known as Section 421, relating to fire and marine insurance corporations.

Bill read first time, and referred to Committee on Corporations.

By Senator Smith: Senate Bill No. 660—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," relating to assessment and taxation.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 661—An Act appropriating \$5,000 to erect a warehouse for the storage of jute at the State prison at San Quentin, California.

Bill read first time, and referred to Committee on Finance.

By Senator Flint: Senate Bill No. 662—An Act to appropriate \$5,000 to be expended by the Regents of the University of California, through the Department of Agriculture and Zoology, in making experiments leading to the destruction of ground squirrels, gophers, jackrabbits, and hares.

Bill read first time, and referred to Committee on Agriculture and Dairying.

Also: Senate Bill No. 663—An Act to amend Section 129 of the Civil Code, relating to divorces.

Bill read first time, and referred to Committee on Judiciary.

CONSIDERATION OF SPECIAL ORDER RESET.

The consideration of the report of the special committee to visit the State prisons having been made a special order for this hour.

On motion of Senator Leavitt, the same was postponed until to-morrow immediately after the introduction and first reading of bills, and was made a special order for that hour.

SPECIAL ORDER SET.

On motion of Senator Devlin, the consideration of Senate Constitutional Amendment No. 16—Submitting to the people of the State of California an amendment to the Constitution amending Section 1, Article XX of the Constitution of the State of California, relative to the seat of government of said State and the manner of changing the same—was made a special order for Tuesday, February 24, 1903, at eight o'clock P. M.

CONSIDERATION OF SECOND-READING FILE OF SENATE BILLS.

On motion of Senator Leavitt, the Senate proceeded to consider the second-reading file of Senate bills; commencing where consideration of the same file was discontinued on yesterday.

WITHDRAWAL OF BILL.

Senator Rowell asked for and was granted unanimous consent to withdraw Senate Bill No. 615—An Act to amend Section 3 of "An Act for the protection of horticulture and to prevent the introduction into the State of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act."

Bill withdrawn, and ordered stricken from the file.

SECOND-READING FILE—(RESUMED).

Senate Bill No. 552—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 133—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 243—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 522—An Act to amend the Penal Code of the State of California by adding one new section to Title X thereof, relative to public nuisance, said section to be numbered 370½.

Bill read second time, and considered engrossed.

Senator Shortridge moved that the bill be referred to the Committee on Public Morals.

Senator Belshaw moved to amend by referring to the Committee on Judiciary, to be reported back not later than Saturday morning.

The question being on the motion to amend.

The roll was called, and the motion lost by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Ralston, Rowell, Selvage, and Woodward—18.
NOES—Senators Bauer, Bunkers, Byrnes, Curtin, Diggs, Enimons, French, Leavitt, Nelson, Oneal, Pendleton, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—19.

The original motion to refer to Committee on Public Morals carried.

Senate Bill No. 392—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 2643, relating to the joinder of parties in an action for the recovery of double insurance.

During second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 392.

An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending section three hundred and eighty-three thereof, relating to the joinder of parties in civil actions.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 383 of the Code of Civil Procedure of the State of California is hereby amended so as to read as follows:

Section 383. Persons severally liable upon the same obligation, or instrument, including the parties to bills of exchange, and promissory notes and sureties on the same or separate instruments, may all or any of them be included in the same action at the option of the plaintiff, and all or any of them join as plaintiff in the same action concerning or affecting the obligation or instrument upon which they are severally liable. Where the same person is insured by two or more insurers separately in respect to the same subject and interest, such person, or the payee, under the policies, or the assignee of the cause of action or other successor in interest of such assured or payee, may join all or any of such insurers in a single action for the recovery of a loss under the several policies, and in case of a judgment a several judgment must be rendered against each of such insurers, according as his liability shall appear.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 359—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Sections 10, 12, 14, 15, 19, and 25, repealing Sections 16, 17, 18, and adding a new section, to be numbered and designated Section 22½.

On motion of Senator Caldwell, passed on file, to retain place.

Senate Bill No. 371—An Act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California for the arrest of Josef E. Blanthier, for murder.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "This Act shall take effect immediately," in section three, page one, printed bill, and insert in lieu thereof the following: "The claim of the said H. W. Randal is hereby exempted from the provisions of Section 672 of the Political Code."

Amendment adopted.

Also: Amend by adding after section three, page one, a new section, as follows: "SEC. 4. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 594—An Act to prohibit the use of the bristle-bur, tack-bur, or other like devices on horses or other animals in this State.

Bill read second time, considered engrossed, and ordered on file for third reading.

BILL RE-REFERRED.

On motion of Senator French, Senate Bill No. 90—An Act authorizing and directing the State Board of Prison Directors to cut, manufacture, and sell stone to cities, counties, or cities and counties, for bridge and road purposes—was re-referred to Committee on Labor and Capital.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 223—An Act to add a new section to the Political Code, to be numbered 751a, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 486—An Act to amend Sections 1036 and 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 478—An Act to add a new section to the Political Code, to be numbered 3557, relating to the cancellation of taxes on lands resold by the State, where a judgment has been entered annulling the certificate of purchase.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting after the figures "3555," in line six, section one of printed bill, the words "of the Political Code."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 361—An Act to provide that any person or persons who shall prevent, attempt to prevent or cause to be prevented, any person or persons, other than Chinamen not entitled to enter the United States, from landing upon any island or islands off the coast of the State of California and subject to the jurisdiction thereof, or from having free and unrestricted access to any city, town, village or public institution thereon, shall be guilty of a misdemeanor, and provide a penalty therefor.

Read second time.

On motion of Senator Pendleton, passed on file, to retain place, and open to amendment.

Senate Bill No. 567—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees, or supervisors, in counties, cities and counties, or towns.

During second reading of bill, on motion of Senator Leavitt, the following amendment was offered:

Amend by striking out the word "will" in section two and inserting in lieu thereof the following: "shall."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 368—An Act to amend Section 1665 of the Political Code, relating to branches in instruction in the public schools of this State.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "Political Code, relating to branches in instruction in the public schools of this State," in title, first page, printed bill, and inserting in lieu thereof the following: "Political Code of the State of California, relating to branches of instruction in the public schools."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Curtin asked for and was granted unanimous consent to withdraw Senate Bill No. 195—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof—and substitute therefor on file Senate Bill No. 102.

Senate Bill No. 195 withdrawn, and Senate Bill No. 102 substituted therefor on file.

Senate Bill No. 102—An Act to appropriate the sum of \$2,340 to pay the claim of William Fahey for moneys due and owing the said William Fahey from the State of California.

During second reading of bill, the following substitute was submitted by the committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 102.

An Act to appropriate the sum of \$2,218.50 to pay the claim of William Fahey for moneys due and owing the said William Fahey from the State of California.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, the sum of two thousand two hundred and eighteen and fifty hundredths dollars to pay the claim of William Fahey against the State of California, the said sum of two thousand two hundred and eighteen and fifty hundredths dollars being now due and owing to the said William Fahey from the State of California.

SEC. 2. The State Controller is hereby authorized and directed to draw his warrant on the State Treasurer in favor of said William Fahey for the sum of two thousand two hundred and eighteen and fifty hundredths dollars, and the State Treasurer is hereby directed to pay the same.

SEC. 3. The claim of said William Fahey is hereby exempted from the provisions of section six hundred and seventy-two of the Political Code.

SEC. 4. This Act shall take effect and be in force from and after July 1st, 1903.

Substitute read and adopted.

Bill read second time, ordered to print, engrossment, and third reading.

SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 367—An Act to amend Section 1668, relating to physical culture and exercises.

During second reading of bill, the following amendment was submitted by the committee:

Amend by inserting the words "of the Political Code of the State of California" after the word "sixty-eight" in title, first page, printed bill.

Amendment adopted.

The following amendment was offered by Senator Ward:

On page one, line twelve, before the word "this," insert the word and figure "Section 2."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 427—An Act to amend an Act entitled "An Act to provide for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged, by the Wardens of State prisons," approved March 27, 1897.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 246—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor."

During second reading of bill, the following amendments were submitted by the committee:

Amend the title by striking out the words "and to provide an appropriation therefor," after the word "Act," in lines four and five of the title, first page, printed bill.

Amendment adopted.

Also: Amend by striking out the words "Whenever it may be necessary to carry out and give effect to the provisions of this Act, the Governor is hereby authorized to appoint an Assistant State Veterinarian at a salary not to exceed one hundred dollars a month, and a clerk whose salary shall not exceed seventy-five dollars per month, whose tenure of office and salaries shall be determined and fixed by the Governor," on lines thirteen to twenty, section two, second page, printed bill, and insert in lieu thereof the following: "Whenever it may be necessary, the State Veterinarian is authorized to employ a clerk at a salary not to exceed seventy-five dollars per month."

Amendment adopted.

Also: Amend by striking out all of section nine, fourth page, printed bill.

Amendment adopted.

Also: Amend by striking out the figures "10" after the word "section," in section ten, in line one thereof, fourth page, printed bill, and inserting in lieu thereof the figure "9."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 109—An Act to amend and re-enact Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home.

During second reading of bill, the following amendment was offered: By Senator Corlett:

On page one, line one of title, strike out the words "and re-enact."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 566—An Act restricting the business of medical superintendents and assistant physicians of State hospitals for insane persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 571—An Act to authorize the payment of moneys now in the hands of the Governor of the State as Commander-in-Chief of the military forces of the State, received by him from the United States for the payment of amounts due to California U. S. Volunteers of the late war with Spain, under the provisions of an Act of Congress entitled "An Act to reimburse the Governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the volunteer army of the United States in the existing war with Spain," approved July 8, 1898, as amended by an Act of Congress approved March 3, 1899, direct to the heirs of any deceased claimants against said fund without administration.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 572—An Act providing for the payment to the California U. S. Volunteers of such amounts as are due them from the date of their assembling to the date of their muster into the United States service or rejection by the medical examiner, making an appropriation for that purpose, and providing for the presentation of a claim to the United States for the repayment of the amount expended under this Act, and for the disposition of any sum of money that may be received from the United States upon such claim.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 638—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, etc., the laws of the State, and for the appointment of members of said commission, to be known as the Commissioners for the Revision and Reform of the Law."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 591—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 39—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' Bank from the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 153—An Act to appropriate money to pay the claim of F. W. Moore for blankets supplied the State militia of the State of California during the Spanish-American war.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the words "F. W. Moore" in title, in line one, first page, printed bill, and inserting in lieu thereof the following: "T. W. Spring Co."

Amendment adopted.

Also: Amend by striking out the word "the" before the word "Senate" in the enacting clause.

Amendment adopted.

Also: Amend by striking out the words "F. W. Moore" in line three, first page, section one, and inserting in lieu thereof "T. W. Spring Co."

Amendment adopted.

Also: Amend by striking out the words "F. W. Moore" in line four, first page, section one, and inserting in lieu thereof "T. W. Spring Co."

Amendment adopted.

Also: Amend by striking out the words "F. W. Moore" in line three, first page, section two, and inserting in lieu thereof "T. W. Spring Co."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 325—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the word "four" in line three, first page, printed bill, and inserting in lieu thereof the word "two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 385—An Act making an appropriation to pay the claim of Clark & Henery, for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

During second reading of bill, the following amendment was submitted by the committee:

Amend by striking out the words "upon proper demand audited and allowed by the State Board of Examiners," in lines two and three, section two, first page, printed bill, and inserting in lieu thereof the following: "to said Clark & Henery."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 77—An Act to provide for the improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Bill No. 78—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 327—An Act to provide for the erection and equipment of an oil-storage and pumping-plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 370—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 563—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of the State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 274—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof, to provide the penalty therefor, and to appropriate money to enforce the same.

During second reading of bill, the following amendments were submitted by the committee:

Amend by striking out the word "five" in section ten, in line four, fifth page, printed bill, and inserting in lieu thereof the word "three."

Amendment adopted.

Also: Amend by striking out the words "twenty-five" in line five of same section and page, and inserting in lieu thereof the word "fifteen."

Amendment adopted.

Also: Amend by striking out the words "twenty-five" in line seven of same section and page, and inserting in lieu thereof the word "fifteen."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 224—An Act to appropriate the sum of \$1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 521—An Act to amend Sections 4, 5, 8, 9, 10, 11, 12, and 13 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties and cities and counties in the State,'" as amended March 23, 1901.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 507—An Act to provide for the licensing and inspection of maternity hospitals, lying-in asylums, and homes for children, defining the duties of persons conducting the same, and the duties and powers of county boards of health or county health officers and other health officers in relation thereto, and providing a penalty for the violation of its provisions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 428—An Act making an appropriation of \$500 for the purpose of carpeting, repairing, and repainting furniture in and fur-

nishing the office of the Clerk of the Supreme Court in the City of San Francisco.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 550—An Act to amend Section 202 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 23, 1901—have had the same under consideration, and respectfully report the same back without recommendation.

WOODWARD, Chairman.

Senate Bill No. 550 ordered on file.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 269—An Act regulating the furnishing of light or power to incorporated cities, manner for payment for the same, and penalty for violation of the provisions of said Act.

Also: Senate Bill No. 618—An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.

Senate Bills Nos. 269 and 618 ordered on file.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 3—Relative to the proposed transfer to Washington by the Secretary of the Interior of the old and valuable Spanish archives of California—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

HAHN, Chairman.

Senate Joint Resolution No. 3 ordered on file.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 344—An Act to amend Section 501 of the Civil Code of the State of California.

Also: Senate Bill No. 205—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer, or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 562—An Act to declare the Associated Press and all other associations, companies, and corporations of a similar nature common carriers, and to provide penalties for discrimination between patrons thereof, or persons desiring to become patrons thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

ONEAL, Chairman.

Senate Bills Nos. 344, 205, and 562 ordered on file.

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Printing, to whom was referred Senate Bill No. 632—An Act making an appropriation for the purchase and installment of improved

material and machinery, and improvements for the State printing office and bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be re-referred to Committee on Finance.

NELSON, Chairman.

Senate Bill No. 632 re-referred to Committee on Finance.

ON MANUFACTURES AND IMMIGRATION.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Manufactures and Immigration, to whom was referred Senate Bill No. 354—An Act to protect the manufacturing industries of this State—have had the same under consideration, and respectfully report the same back without recommendation.

CORLETT, Chairman.

Senate Bill No. 354 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 360—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park, in San Mateo County, State of California, on lands belonging to the University of California known as the "Flood property," and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be re-referred to Committee on Finance.

ROWELL, Chairman.

Senate Bill No. 360 re-referred to Committee on Finance.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 249—An Act to prevent the sale of dairy products produced from diseased animals and under unsanitary conditions; to provide for the inspection of dairy cattle, dairies, and factories for the production of dairy products; to improve the quality of dairy products of the State, and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BYRNES, Chairman.

Senate Bill No. 249 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 815—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session.

Also: Senate Bill No. 431—An Act to appropriate \$500 to pay the claim of W. C. Van Fleet for services rendered by him as an attorney-at-law for the State Board of Examiners.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DEVLIN, Chairman.

Assembly Bill No. 815 and Senate Bill No. 431 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 633—An Act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts wherein there are or may be pending actions to enforce the right of eminent domain, to give such actions preference over all other civil cases in the matter of setting the same for hearing or trial, and in hearing the same.

Also: Senate Bill No. 342—An Act to amend and re-enact Section 1126 of the Code of Civil Procedure, relating to appeals in contested election cases.

Also: Senate Bill No. 424—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to the foreclosure and sale of mortgaged lands.

Also: Senate Bill No. 475—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes.

Also: Senate Bill No. 476—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes.

Also: Senate Bill No. 444—An Act to amend Section 6 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, defining what is cruelty to animals.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 574—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901.

Also: Senate Bill No. 125—An Act to amend Section 337 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 45—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property—have had the same under consideration, and respectfully report the same back and recommend that it be withdrawn by the author.

LUKENS, Chairman.

Senate Bills Nos. 633, 342, 424, 475, 476, 444, 574, 125, and 45 ordered on file.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 607—An Act to amend Section 1415 of the Civil Code of the State of California, relating to the appropriation and the notice of appropriation of water—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

CALDWELL, Chairman.

Senate Bill No. 607 ordered on file.

THIRD READING OF BILL.

Senator Lardner asked for and was granted unanimous consent to have Senate Bill No. 269 taken up for immediate consideration.

Senate Bill No. 269—An Act regulating the furnishing of light or power to incorporated cities, manner for payment for the same, and penalty for violation of the provisions of said Act.

Read third time.

Senator Lardner moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by inserting after the word "given," in line eight of section one, the words "for similar services."

Also: Amend by inserting after the word "given," in line four of section five, the words "for similar services."

Also: Amend by inserting after the word "given," in line three of section four, the words "for similar services."

Also: Amend by inserting after the word "given," in line four of section three, the words "for similar services."

Also: Strike out in section two, line three, the words "set by" after the word "time" and before the word "such," and insert the following: "as may be agreed upon by the person, corporation, or company furnishing the same and."

Also: By striking out of section two, line five, the words "and upon," and all of lines six and seven of said section two.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 269, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and re-engrossment.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Tyrrell of Nevada:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of John R. Tyrrell for the sum of \$167.40, to pay the actual expenses incurred by the committee appointed under the following resolution, adopted by the Senate February 4, 1903:

Resolved, That Senators Tyrrell, Williams, and Bunkers of the Committee on Prisons and Reformatories, Senators Muenter, Nelson, and Selvage of the Committee on Finance, and Senators Savage and Coggins, be and they are hereby granted leave of absence for one day for the purpose of visiting the State Prisons at Folsom and San Quentin, in order that the needs of these institutions may be inquired into and reported upon to the Senate, and that they be allowed their actual expenses.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 87—An Act to amend the Political Code by amending Section 2696 thereof, and by adding a new section thereto, to be numbered Section 2643a, relating to roads and highways—and respectfully ask your honorable body to concur in the same.

Also: Passed Senate Bill No. 253—An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks.

Also: Senate Bill No. 257—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Also: Senate Bill No. 241—An Act to amend Sections 293 and 298 of the Political Code, relating to the State Library.

Also: Concurred in Senate amendments and in Senate substitute to Assembly Bill No. 33—An Act to amend the Civil Code, by adding two new sections thereto, to be numbered 131 and 132, to Title I of Part I, Chapter II, Article III, relating to actions for divorce.

CLIO LLOYD, Chief Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 87?"

ASSEMBLY AMENDMENTS.

Amend section two, line thirteen, by striking out the word "twenty-five" and inserting in lieu thereof the word "ten."

Also: Amend section two, line sixteen, by striking out the words "for such purpose."

Also: Amend by adding in section two, line fourteen of printed bill, after the word "may," the words "at the time of levying taxes for general county purposes," and by inserting the following after the word "district" in line sixteen: "as shown by the last assessment roll."

The roll was called, and Assembly amendments to Senate Bill No. 87 concurred in by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, and Woodward—26.

NOES—None.

Senate Bills Nos. 87, 253, 257, and 241 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 18, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 394—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants.

Also: Assembly Bill No. 45—An Act to prohibit the misuse of cocaine, opium, or morphine.

Also: Assembly Bill No. 377—An Act to amend Section 321a, relating to the removal by corporations of their principal places of business, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Also: Assembly Bill No. 192—An Act to amend Section 362 of the Civil Code, relating to amendments by corporations of their articles of incorporation

Also: Assembly Bill No. 334—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

Also: Assembly Bill No. 173—An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions.

Also: Assembly Bill No. 60—An Act to enable the Board of Supervisors, Town Council, Board of Aldermen, or other legislative bodies of any incorporated city and county, city, town, or other municipality, to obtain the necessary information from any corporation, company, or person supplying such municipality with gas, electricity, or other illuminating light, used either for lighting, power, or fuel, and to enable them to regulate the charges therefor, and providing for regulating the charges therefor by such municipal authorities.

Also: Assembly Bill No. 9—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

Also: Assembly Bill No. 466—An Act to repeal Section 1718 of the Code of Civil Procedure of the State of California, relating to the appointment of attorneys for minor or absent heirs.

Also: Assembly Bill No. 538—An Act making an appropriation to pay the deficiency in the appropriation for care of State Armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant-General for the fifty-third fiscal year.

Also: Assembly Bill No. 539—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Adjutant-General's office, for the fifty-third fiscal year.

Also: Assembly Bill No. 100—An Act to amend Section 328 of the Code of Civil Procedure of California, relating to the time of commencing actions for the recovery of real property.

Also: Assembly Bill No. 101—An Act to amend Section 751 of the Code of Civil Procedure of California, relating to the determination of adverse claims to real property.

Also: Assembly Bill No. 434—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor.

Also: Assembly Bill No. 27—An Act to enforce the educational rights of children, and providing penalties for violation of the Act.

Also: Concurred in the Senate amendments to Assembly Bill No. 808—An Act to amend Section 3 of "An Act for the protection of horticulture and to prevent the introduction into this State of insects, or diseases, or animals injurious to fruit or fruit trees, vines, bushes, or vegetables and to provide for a quarantine for the enforcement of this Act," which became a law under constitutional provision, without Governor's approval, March 11, 1899.

Also: Concurred in the Senate amendments to Assembly Joint Resolution No. 3—Relative to House of Representatives Bill No. 14,443, pertaining to a National Conservatory of Music and Art.

CLIO LLOYD, Chief Clerk.

Assembly Bill No. 394 read first time, and, on motion of Senator Leavitt, ordered on file without reference to committee.

Assembly Bill No. 45 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 377 read first time, and referred to Committee on Corporations.

Assembly Bill No. 192 read first time, and referred to Committee on Corporations.

Assembly Bill No. 334 read first time, and, on motion of Senator Leavitt, ordered on file without reference to committee.

Assembly Bill No. 173 read first time, and referred to Committee on Fruit and Vine Interests.

Assembly Bill No. 60 read first time, and referred to Committee on Corporations.

Assembly Bill No. 9 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 466 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 538 read first time, and referred to Committee on Finance.

Assembly Bill No. 539 read first time, and, on motion of Senator Leavitt, ordered on file without reference to committee.

Assembly Bill No. 100 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 101 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 434 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 27 read first time, and referred to Committee on Education.

At twelve o'clock and thirty minutes P. M., Hon. A. A. Caldwell, State Senator from the Thirty-ninth Senatorial District, in the chair.

CONSIDERATION OF JOINT RESOLUTION.

Senator Knowland asked for and was granted unanimous consent to have Senate Joint Resolution No. 13 taken up for immediate consideration.

SENATE JOINT RESOLUTION NO. 13.

Relative to the proposed transfer to Washington by the Secretary of the Interior of the old and valuable Spanish archives of California.

WHEREAS, An order has been issued by the Secretary of the Interior to remove from California to Washington the old Spanish archives now in the possession of the Surveyor-General; and

WHEREAS, These valuable old archives, comprising three hundred and two bound volumes, embrace the records of the Spanish land grants, military reports, old mission records, and other valuable documents bearing upon the early history of this State; therefore be it

Resolved, That the people of the State of California, represented in Senate and Assembly, protest against this proposed transfer; and be it further

Resolved, That the Secretary of the Senate be and he is hereby instructed to transmit a copy of these resolutions, by telegraph, to the Secretary of the Interior.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 13 adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Rowell, Sanford, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—30.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

RECESS.

At twelve o'clock and thirty minutes P. M., the acting President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

LEAVE OF ABSENCE.

On motion of Senator Knowland, Senator Woodward was granted a leave of absence for the day.

INTRODUCTION OF JOINT RESOLUTION—(OUT OF ORDER).

The following joint resolution was introduced:

By Senator Knowland: Senate Joint Resolution No. 14—Relative to the appointment of the Hon. Chester Rowell as a member of the Isthmian Canal Commission.

Ordered to print, and, on motion of Senator Knowland, on file without reference to committee.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

Read third time on a previous day.

Committee on Public Health recommend that Senator Shortridge be appointed a special committee of one to amend as follows:

On page two, lines seventeen and eighteen, strike out the words "thirty-first day of December, nineteen hundred and four," and insert in lieu thereof the following: "eighteenth day of March, nineteen hundred and three."

The question being on the appointment of special committee of one to amend as above.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 139, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHORTIDGE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Assembly Constitutional Amendment No. 12—To propose to the people of the State of California an amendment to the Constitution of the State of California, amending Section 23 of Article IV of said Constitution, relating to the salary of members of the Legislature and attachés thereof.

On motion of Senator Sanford, passed on file, to retain place.

Assembly Bill No. 12—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1183 thereof, relating to liens of mechanics and others upon real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 12 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by

amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 13 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 186—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 186 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Greenwell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, and Ward—21.

NOES—Senators Bunkers, French, Plunkett, Tyrrell of Nevada, Williams, and Wolfe—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Shortridge moved that Senator Emmons be granted a leave of absence for the day.

Objection being made.

The roll was called, and the motion carried by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Greenwell, Hubbell, Knowland, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Shortridge, Tyrrell of Nevada, Ward, and Wolfe—21.

NOES—Senators French, Leavitt, Sanford, Smith, Tyrrell of San Francisco, and Williams—6.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 225—An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 225 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luch-

singer, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—33.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 224—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 224 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Ralston, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Devlin asked for and was granted unanimous consent to have Assembly Bill No. 815 taken up for immediate consideration.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Devlin:

Resolved, That Assembly Bill No. 815 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—32.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 815—An Act making an appropriation to pay the contingent expenses of the Assembly, thirty-fifth session.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 815 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 44—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

On motion of Senator Curtin, passed on file, to retain place.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution by adding thereto a section, to be numbered Section 21, and relating to appointments, transfers, promotions, and removals of officers and employes of the State, its cities and political subdivisions.

On motion of Senator Pendleton, passed on file, to retain place.

Assembly Bill No. 612—An Act making an appropriation of \$4,310.75 for transportation of officers and members of the National Guard of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 70—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage sustained by the breakage of Fremont Street wharf, in the City and County of San Francisco.

Bill read second time, and ordered on file for third reading.

Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State of California by adding a new section thereto, to be numbered Section 10½, in relation to revenue and taxation.

During reading of constitutional amendment, the following amendment was offered:

By Senator Belshaw:

Amend by striking out the word "two," in line ten, and inserting in lieu thereof the word "one."

Amendment adopted.

Constitutional amendment ordered to print.

MOTION TO RECONSIDER.

Senator Bauer moved to reconsider the vote whereby Assembly Constitutional Amendment No. 6 was on this day passed on file.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Corlett, Devlin, French, Lardner, Nelson, Plunkett, Selvage, Tyrrell of Nevada, Ward, Williams, and Wolfe—14.

NOES—Senators Belshaw, Caldwell, Coggins, Curtin, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Rowell, and Savage—16.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bills Nos. 304 and 314 having been made a special order for this hour, the same were taken up.

Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Read third time.

Senator Lukens moved to refer to Senator Hubbell, as a special committee of one, to amend as follows:

By striking out of section one, in line nine et seq., the words "in the course of the employer's business," etc., down to and including the words "performance of his work"

in line eleven of said section, and inserting the following: "the negligence causing the injury was committed in the performance of a duty the employer owes to the employé."

Senator Belshaw moved as an amendment to the amendment offered by Senator Lukens to refer to Senator Hubbell, as a special committee of one, to amend as follows:

By striking out of section one, line ten, the words "has the power of ordering or directing," and inserting the following: "is acting in the capacity of superintendent or foreman over."

SPECIAL ORDER SET.

On motion of Senator Rowell, the further consideration of Senate Bills Nos. 304 and 314 was made a special order for Friday, February 20, 1903, immediately following the consideration of the special file of Assembly bills.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 343—An Act to amend Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court.

Also: Senate Bill No. 75—An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provision of said Act, and prescribing the duties of societies organized in accordance with the provisions of said Act, and a manner in which said societies may receive compensation for the performance thereof.

Also: Senate Bill No. 239—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads.

Also: Senate Bill No. 240—An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued.

Also: Senate Bill No. 51—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners.

And report that the same have been correctly enrolled, and presented the same to the Governor on this nineteenth day of February, 1903, at two o'clock and twenty-five minutes P. M.

HUBBELL, Chairman.

PETITIONS.

The following petitions were presented, and ordered printed in the Journal:

By Senator Ralston:

We, the undersigned, representing the mines set opposite our respective names, respectfully protest against the passage of Senate Bills Nos. 304 and 314 and Assembly Bills Nos. 114 and 693, relating to employer and employé.

The relations now existing between employer and employé in all of the mining sections of this State are most amicable. The highest wage is being paid to all mining employes consistent with the output of the mines and the grade of ore. All necessary precautions are being taken to secure safety to the men while at work, and we deem it inadvisable and inexpedient to make any changes in the law, regarding time of labor or the liability of employers. A change will result in loss and trouble, and cannot be of benefit to either employers or employes.

The miners of this district are paid \$3 for ten hours' time, from which must be deducted time for meals and time consumed in going to and coming from work in the

mine. There is no complaint as to pay and time, the schedule having been adopted by a miners' union. Any change in time would necessarily raise the question of wages.

Nearly every man in the mines would become a vice-principal, and the company would therefore become liable for his acts. This is contrary to the old established law, and would be detrimental and unfair to every person who carried on work.

We suggest that if Senate Bill No. 214, which provides for an inspector of mines, be passed, it be amended so that the inspector would be a mining engineer of experience in mining in all its branches, capable of judging of the safety of all parts of a mine, and that he be paid a salary of not less than \$5,000 per year.

(Signed :) James D. Hague, president, representing North Star Mines Company; A. D. Foote, superintendent, representing North Star Mines Company; Theo. H. Wilhelm, president Pennsylvania M. Co.; Geo. W. Starr, per H., representing the Empire Mines; Robert Walker, superintendent Gold Hill M. Co.; C. B. Lakenan, superintendent Coe Quartz Mine Co.; H. G. A. Brunnier, superintendent Conlon Gold Mining Co.

By Senator Wolfe:

To Honorable Chairman of the San Francisco Delegation of the Senate in the Legislature, now assembled at Sacramento, Cal.:

WHEREAS, We, the Board of Education of the City and County of San Francisco, duly recognize the eminent, important, and no less patriotic services rendered the State of California by Prof. J. C. Pelton in the cause of public education in the pioneer days of California's history, in which cause he volunteered both time and money, the zeal and strength of a vigorous young manhood, and at great sacrifice of the golden opportunities for the acquisition of wealth in those days;

Resolved, That it is the sentiment of this board, that the good and noble people of California, without distinction of class or party, will not only sanction the Act, but will rejoice to see the Legislature of California generously reward the pioneer services and repay the said J. C. Pelton at least sufficiently to relieve him from the present hard struggle for the procurement of a precarious and beggarly existence, amid the multiplying infirmities and disabilities of old age; and

Resolved, That the secretary of this board be instructed to inclose a copy of the foregoing to his Excellency the Governor of California, the honorable President of the Senate, the honorable Speaker of the Assembly, and the chairman of the San Francisco Delegation in each house of the Legislature now assembled at Sacramento.

The foregoing resolutions were adopted at a meeting of the Board of Education held February 18, 1903.

JOHN H. HANSEN, Secretary.

LEAVES OF ABSENCE.

Senator Caldwell was, on his own motion, granted leave of absence from Friday, February 20, 1903, at three o'clock P. M., until Tuesday, February 24, 1903.

Senator Pendleton was, on his own motion, granted leave of absence from Friday, February 20, 1903, at three o'clock P. M., until Tuesday, February 24, 1903.

Senator Coggins was, on his own motion, granted leave of absence from Friday, February 20, 1903, at three o'clock P. M., until Monday, February 23, 1903.

Senator Bauer was, on his own motion, granted leave of absence for to-night, and from twelve o'clock M. of Friday, February 20, 1903, until Monday, February 23, 1903.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Oneal: Senate Bill No. 664—An Act to amend Section 2517 of the Political Code, relating to the powers of the State Harbor Commissioners.

Bill read first time, and referred to Committee on Corporations.

By Senator Wolfe: Senate Bill No. 665—An Act to amend Sections 3571 and 3572 of the Political Code of the State of California, relating to public lands.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Shortridge: Senate Bill No. 666—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 667—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 668—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital, and making an appropriation therefor.

Bill read first time, and referred to Committee on Hospitals and Asylums.

Also: Senate Bill No. 669—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Bill read first time, and referred to Committee on Hospitals and Asylums.

By Senator Luchsinger: Senate Bill No. 670—An Act making an appropriation for traveling expenses of the Attorney-General for the remainder of the fifty-fourth fiscal year.

Bill read first time, and referred to Committee on Finance.

By Senator Devlin: Senate Bill No. 671—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by County Boards of Education.

Bill read first time, and referred to Committee on Education.

By Senator Ward: Senate Bill No. 672—An Act to amend Section 166 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897.

Bill read first time, and referred to Committee on County Government.

By Senator Oneal: Senate Constitutional Amendment No. 22—Submitting to the people of the State of California an amendment to the Constitution, amending Section 7 of Article IX of the Constitution of the State of California, relative to State Board of Education and their duties, and County Boards of Education and their duties.

Referred to Committee on Education.

RECESS.

At five o'clock and fifteen minutes P. M., on motion of Senator Pendleton, the President declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Plunkett, Rowell, Savage, Selva, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—27.

Quorum present.

CONSIDERATION OF JOINT RESOLUTION.

Senator Knowland asked for and was granted unanimous consent to have Senate Joint Resolution No. 14 taken up for immediate consideration.

SENATE JOINT RESOLUTION NO. 14.

WHEREAS, The President of the United States will appoint a commission to be known as the Isthmian Canal Commission; and

WHEREAS, The Legislature of the State of California believes that in the appointment of Honorable Chester Rowell, as a member of said commission, it would be an appointment most satisfactory to all classes of people in California; therefore be it

Resolved by the Senate and Assembly, jointly. That the following recommendation and resolution be adopted:

To the President of the United States, Washington, D. C.:

The Legislature of California, by this joint resolution, recommends the appointment of Hon. Chester Rowell as a member of the Isthmian Canal Commission. His high standing in the medical profession, his long and honorable career in public life, his wide knowledge of men and affairs, and reputation for integrity would make his appointment a compliment to the State and a guarantee of usefulness on the commission.

Resolved, That this recommendation, when signed by the Governor, Lieutenant-Governor, and Speaker of the Assembly, be forwarded by telegraph to the President.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 14 adopted by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Nelson, Plunkett, Savage, Selva, Smith, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—24.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

SPECIAL FILE—CODE REVISION BILLS.

The consideration of the special file of the Code Revision bills having been set as a special order for this hour, the same was taken up:

Senate Bill No. 226—An Act to amend Sections 367, 375, 376, 377, 386, 387, 388, and 389 of the Code of Civil Procedure, and to repeal Section 390, all relating to parties to civil actions.

On motion of Senator Devlin, passed on file, to retain place.

Senate Bill No. 227—An Act to amend Sections 325, 328, 352, 355, and 362 of the Code of Civil Procedure, and to add thereto a new section, to be numbered 329, all relating to the time of commencing actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 227 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Luchsinger, Pendleton, Plunkett, Rowell, Savage, Selva, Smith, Tyrrell of Nevada, Ward, Williams, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 228—An Act to amend Sections 280, 281, and 287 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 300, all relating to attorneys and counselors at law.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 228 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Pendleton, Plunkett, Rowell, Savage, Selvage, Tyrrell of Nevada, Ward, Williams, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

At eight o'clock and twenty-five minutes P. M., Senator Wolfe was, on his own motion, granted leave of absence for the evening.

Senate Bill No. 229—An Act to amend Sections 198 and 199 of the Code of Civil Procedure, both relating to jurors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 229 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Luchsinger, Pendleton, Rowell, Savage, Selvage, Smith, Tyrrell of Nevada, Ward, Welch, and Williams—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 230—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 230 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Luchsinger, Pendleton, Plunkett, Rowell, Savage, Selvage, Smith, Tyrrell of Nevada, Ward, Welch, and Williams—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 231—An Act to repeal Sections 156, 157, and 161 of the Code of Civil Procedure, relating to the eligibility of judicial officers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 231 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Hubbell, Knowland, Lardner, Pendleton, Plunkett, Rowell, Savage, Selvage, Smith, Tyrrell of Nevada, Ward, Welch, and Williams—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 232—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 232 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Luchsinger, Pendleton, Plunkett, Rowell, Savage, Selvage, Smith, Ward, and Williams—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 233—An Act to amend Section 91 of the Code of Civil Procedure, relating to justices' courts in cities and counties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 233 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Luchsinger, Pendleton, Plunkett, Rowell, Savage, Selva, Smith, Tyrrell of Nevada, Ward, Welch, and Williams—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 234—An Act to repeal Sections 33 to 55, both inclusive, and Sections 65 to 79, both inclusive, of the Code of Civil Procedure, relating to courts of justice.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 234 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, French, Greenwell, Hubbell, Luchsinger, Pendleton, Plunkett, Rowell, Savage, Selva, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, and Williams—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 276—An Act to amend Sections 681, 682, 687, 688, and 689 of the Code of Civil Procedure, all relating to executions in civil cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 276 passed by the following vote:

AYES—Senators Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Knowland, Luchsinger, Pendleton, Plunkett, Rowell, Savage, Selva, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, and Williams—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 277—An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 277 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hubbell, Knowland, Leavitt, Luchsinger, Pendleton, Rowell, Savage, Selva, Shortridge, Smith, Tyrrell of Nevada, Ward, and Williams—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 278—An Act to amend Sections 656, 658, 659, 660, 661, and 663½ of the Code of Civil Procedure, all relating to new trials.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 278 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hubbell, Luchsinger, Pendleton, Plunkett, Rowell, Savage, Selva, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, and Williams—23.

NOES—Senator Leavitt—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 279—An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 279 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hubbell, Luchsinger, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—23.

NOES—Senator Leavitt—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 280—An Act to amend Section 641 of the Code of Civil Procedure, relating to referees.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the result, Senator Leavitt moved a call of the Senate.

Motion carried.

Time, eight o'clock and forty-five minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed.

The Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—31.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eight o'clock and fifty minutes P. M., Senator Curtin moved that further proceedings under the call of the Senate be dispensed with.

Motion lost.

At eight o'clock and fifty-five minutes P. M., Senator Caldwell moved that further proceedings under the call of the Senate be dispensed with.

Motion lost.

At eight o'clock and fifty-six minutes P. M., Senators Belshaw and Nelson were brought to the bar of the Senate, and, on motion of Senator Leavitt, were excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At nine o'clock and one minute P. M., Senator Pendleton moved that further proceedings under the call of the Senate be dispensed with.

The question being on the motion to dispense with the call of the Senate.

The roll was called, and the motion carried by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Pendleton, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—27.

NOES—Senators Byrnes, Lukens, Muentner, Nelson, and Sanford—5.

Whereupon the President announced that Senate Bill No. 280 was passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, Hubbell, Knowland, Lardner, Nelson, Pendleton, Plunkett, Rowell, Savage, Selvage, Shortridge, Smith, Ward, Welch, and Williams—23.

NOES—Senators Corlett, French, Greenwell, Leavitt, Luchsinger, Muentner, Sanford, Tyrrell of San Francisco, and Tyrrell of Nevada—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVES OF ABSENCE.

Senators Belshaw, Nelson, and Sanford were, on motion of Senator Belshaw, granted leave of absence for the evening.

Senate Bill No. 281—An Act to add a new section to the Code of Civil Procedure, to be numbered 635, relating to trials of questions of fact by the court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 281 passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Lukens, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Williams—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Lukens gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 281 was this day passed.

LEAVE OF ABSENCE.

The Committee on Commerce and Navigation was, on motion of Senator French, granted leave of absence for the evening.

ADJOURNMENT.

At nine o'clock and ten minutes P. M., on motion of Senator Selvage, the Senate was declared adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, February 20, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt,

Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—40.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 19, 1903, the further reading was dispensed with, on motion of Senator Caldwell.

APPROVAL OF JOURNAL.

The Journal of Tuesday, February 17, 1903, having been corrected, was read and approved.

COMMUNICATIONS.

The following communications were presented by the President, and ordered printed in the Journal:

RESOLUTION FOR PROFESSOR J. C. PELTON.

The following resolution was introduced by Supervisor Kelly:

WHEREAS, We, the Board of Supervisors of the County of Alameda, duly recognize the eminent, important, and no less patriotic services rendered the State of California by Prof. J. C. Pelton in the cause of public education in the pioneer days of California's history, in which cause he volunteered both time and money, the zeal and strength of a vigorous young manhood, and at a great sacrifice of the golden opportunities for the acquisition of wealth in those days;

Resolved, That it is the sentiment of this board, that the good and noble people of California, without distinction of class or party, will not only sanction the act, but will rejoice to see the Legislature of California generously reward the pioneer services and repay the said J. C. Pelton at least sufficiently to relieve him from his present hard struggle for the procurement of a precarious and beggarly existence amid the multiply-ing infirmities and disabilities of old age; and

Resolved, That the clerk of this board be instructed to inclose a copy of the foregoing to his Excellency the Governor of California, the honorable President of the Senate, the honorable Speaker of the Assembly, and the chairman of the Alameda County delegation in each house of the Legislature; and it is further

Resolved, That the honorable Board of Education of the City of Oakland are hereby respectfully and earnestly requested to take similar action with this board in behalf and interest of the said J. C. Pelton, and that the clerk of this board furnish a copy hereof to the honorable Board of Education of the City of Oakland.

On motion of Supervisor Kelly, seconded by Supervisor Horner, the resolution was adopted by the following vote: Ayes—Supervisors Horner, Kelly, Rowe, Talcott, and Chairman Mitchell—5. Noes—none.

State of California, }
County of Alameda. } ss.

I, John P. Cook, County Clerk of said county and ex officio Clerk of the Superior Court in and for said county, hereby certify that I have compared the above and foregoing copy with the original resolution adopted by the Board of Supervisors February 16, 1903, and that the same is a full, true, and correct copy of such original in the above-entitled resolution and of the whole thereof, as the same now remains of record and on file in the office of the Clerk of said Superior Court.

Witness my hand, with the seal of said Superior Court affixed, at the City of Oakland, this 19th day of February, A. D. 1903.

[SEAL.]

JOHN P. COOK, County Clerk.
By A. A. ROGERS, Deputy Clerk.

Also:

SAN FRANCISCO, CAL., February 18, 1903.

HON. ALDEN ANDERSON, *President of the Senate, and Senators, Sacramento, Cal.:*

HON. SIR, AND SENATORS: I am ordered by International Union Steam Engineers No. 64 to inform you that at our regular meeting to-night, the names of M. McAvoy, L. H. Honigbaum, T. Williams, and T. J. Lenehen were unanimously ordered stricken from our roll of membership on account of their violating Section 1 of Article IV, misde-

meanors and penalties, page 29 of our laws for the government of local unions, as appended to our constitution; because they endeavored to create dissension among the members and worked against the interest and harmony of our local organization.

Most respectfully,

[SEAL.]

IRVING P. HENNING, Recording Secretary.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among steam engineers in the State of California—by striking out the enacting clause.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 62?"

Amend by striking out the enacting clause.

SPECIAL ORDER SET.

On motion of Senator Leavitt, the consideration of the above amendment to Senate Bill No. 62 was made a special order, to be taken up with the first Assembly messages on Monday, February 23, 1903.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 181—An Act to amend Section 1203 of the Code of Civil Procedure of the State of California, as approved March 23, 1893, relating to mechanics' liens and providing for the furnishing and filing of a bond by the contractor in at least twenty-five per cent of the contract price, to inure to the benefit of all persons who perform labor for or furnish materials to the contractor.

Also: Assembly Bill No. 493—An Act to amend Article VI of Chapter XIV of Title II of Part III of the Code of Civil Procedure of the State of California, by adding thereto a new section, to be numbered 1810, relating to the sale of real estate by guardians of incompetent persons in certain cases and providing procedure under which contracts for the sale of real estate made by persons prior to becoming incompetent may be carried into effect or otherwise disposed of.

Also: Assembly Bill No. 816—An Act supplemental to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State, of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art."

Also: Assembly Bill No. 675—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

Also: Assembly Bill No. 321—An Act to pay the claim of the California State Agricultural Society against the State of California, and appropriating money therefor.

Also: Assembly Bill No. 622—An Act to amend Section 457 of the Political Code.

Also: Assembly Bill No. 544—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Assembly Bill No. 571—An Act to amend Section 485 of the Political Code, and to provide for the appointment of a Deputy Surveyor-General, and an Assistant Surveyor-General, and a clerk for the Surveyor-General, and to fix their compensation.

Also: Assembly Bill No. 103—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Also: Assembly Bill No. 193—An Act to repeal Sections 2 and 3 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved March 23, 1880.

Also: Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code, relating to County Boards of Education.

Also: Assembly Bill No. 20—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Also: Assembly Bill No. 314—An Act to add a new section to the Penal Code of the State of California, to be numbered 373a, making a continuance of a public nuisance, after notice from a Health Officer or District Attorney to remove or abate the same, a misdemeanor.

Also: Assembly Bill No. 274—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Also: Assembly Bill No. 557—An Act making an appropriation to pay the claim of Clark & Henery, for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Also: Assembly Bill No. 262—An Act to amend Section 22 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds."

Also: Assembly Bill No. 546—An Act to amend Section 14 of the Civil Code of California.

Also: Assembly Bill No. 540—An Act to amend and re-enact Section 1126 of the Code of Civil Procedure, relating to appeals in contested election cases.

Also: Assembly Bill No. 652—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes.

Also: Assembly Bill No. 653—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Assembly Bill No. 181 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 493 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 816 read first time, and referred to Committee on Education.

Assembly Bill No. 675 read first time, and referred to Committee on Elections and Election Laws.

Assembly Bill No. 321 read first time, and referred to Committee on Finance.

Assembly Bill No. 622 read first time, and referred to Committee on Commissions, Retrenchment, and Reform.

Assembly Bill No. 544 read first time, and referred to Committee on County Government.

Assembly Bill No. 571 read first time, and referred to Committee on Commissions, Retrenchment, and Reform.

Assembly Bill No. 103 read first time, and referred to Committee on Prisons and Reformatories.

Assembly Bill No. 193 read first time, and referred to Committee on Mines and Mining.

Assembly Bill No. 345 read first time, and referred to Committee on Education.

Assembly Bill No. 20 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 314 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 274 read first time, and referred to Committee on Commissions, Retrenchment, and Reform.

Assembly Bill No. 557 read first time, and referred to Committee on Finance.

Assembly Bill No. 262 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 546 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 540 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 652 read first time, and referred to Committee on Agriculture and Dairying.

Assembly Bill No. 653 read first time, and referred to Committee on Agriculture and Dairying.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 252—An Act to amend an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, by adding thereto a new section after Section 4 thereof, relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same, relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof.

Also: Senate Bill No. 14—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents, defining the duties, and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Also: Concurred in Senate Concurrent Resolution No. 6—Relative to receiving the President of the United States.

Also: Adopted Senate Joint Resolution No. 14—Relative to appointment of Hon. Chester Rowell as a member of the Isthmian Canal Commission.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Senate Bills Nos. 252 and 14, Senate Concurrent Resolution No. 6, and Senate Joint Resolution No. 14 ordered to enrollment.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, February 20, 1903.

MR. PRESIDENT: Your Committee on Fruit and Vine Interests, to whom was referred Senate Bill No. 634—An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and to prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCV of the Laws of 1891—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that it be re-referred to Committee on Finance.

Also: Senate Bill No. 348—An Act for the better protection of fruit and berry-growers and to prevent the fraudulent labeling of fruit and berries.

Also: Senate Bill No. 518—An Act to promote the horticultural interests of the State by providing county boards of horticultural commissioners, and repealing an Act

entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture," approved March 31, 1897.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GREENWELL, Chairman.

Senate Bill No. 634 re-referred to Committee on Finance.

Senate Bills Nos. 348 and 518 ordered on file.

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred Assembly Concurrent Resolution No. 7—Relative to employment of Joint Legislative Clerk—have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

FLINT, Chairman.

Assembly Concurrent Resolution No. 7 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

WHEREAS, The desks of the Senate are in urgent need of repairs; and

WHEREAS, The same can be repaired and renovated for the sum of one hundred and twenty dollars (\$120); therefore, be it

Resolved, That William H. Frasier be and is hereby appointed under the supervision of the Sergeant-at-Arms to undertake said repairs at a cost not to exceed one hundred and fifty dollars (\$150), to be paid out of the Contingent Fund of the Senate upon the warrant of the Sergeant-at-Arms.

Have had the same under consideration, and respectfully report the same back, and recommend that it be not adopted.

FLINT, Chairman.

The question being on the adoption of the report.

Report adopted.

Also:

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following bills, have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of the Secretary of Senate, for the sum of two hundred forty-two and fifty one-hundredths (\$242.50) dollars, in payment of the bills hereto attached; and the Treasurer is directed to pay the same:

D. Johnston & Co.....	\$39 00
H. S. Crocker Co.....	76 00
L. & M. Alexander.....	30 00
Yost Writing Machine Co.....	22 50
Remington Typewriter Co.....	75 00
	\$242 50

FLINT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bunkers, Byrnes, Coggins, Diggs, Flint, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Plunkett, Rowell, Sanford, Savage, Selva, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, and Wolfe—23.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Nelson: Senate Bill No. 673—An Act to amend Section 949 of the Code of Civil Procedure, relating to giving of undertakings and stay of proceedings on appeal to the Supreme Court in certain cases.

Bill read first time, and referred to Committee on Judiciary.

By Senator Caldwell: Senate Bill No. 674—An Act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie.

Bill read first time and referred to Committee on Drainage, Swamp and Overflowed Land.

Also Senate Bill No. 675—An Act to regulate the use of waters used for irrigation and to protect the wasting of waters supplied for irrigation by any person entitled to use the same.

Bill read first time, and referred to Committee on Irrigation.

By Senator Sargent: Senate Bill No. 676—An Act to amend Section 94 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 4, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto, approved March 25, 1901, relating to compensation of county officers, and court reporter, or official reporter of the Superior Court in counties of the first-second class.

Bill read first time, and referred to Committee on County Government.

By Senator Tyndall of San Francisco: Senate Bill No. 677—An Act to amend Section 1421 of Article I of Chapter III of Title III of Part III of the Political Code of the State of California by amending Subdivision 2 of said Section 1421, and repealing all Acts and parts of Acts in conflict therewith.

Bill read first time, and referred to Committee on Judiciary.

By Senator Leavitt: Senate Bill No. 678—An Act to regulate the collection of premiums on accident and casualty reinsurance.

Bill read first time, and referred to Committee on Corporations.

CONSIDERATION OF SPECIAL ORDER NEXT.

The consideration of the report of the special committee to visit the State prisons, having been made a special order for this hour, the same was taken up.

The Secretary was directed to read the report which was printed in the Journal of February 18, 1903.

Report read.

Senator Tyndall of Nevada moved that the report be adopted.

Senator Belshaw moved to amend that the report of the committee be accepted as partial, and that the committee be requested to formulate and present to this Senate such measures as they may deem necessary in the premises.

Senator Caldwell moved as an amendment to the amendment offered by Senator Belshaw:

That this matter go over to Wednesday, February 25, 1903, at two o'clock and thirty minutes P. M., to give our assembly an opportunity to let impeachment charges against any officers connected with the State prison of California.

SPECIAL ORDER SET.

Pending the motion of Senator Caldwell, Senator Belshaw moved that the further consideration of the above special order be postponed until Wednesday, February 25, 1903, at three o'clock and thirty minutes P. M., and made a special order for that date and hour.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Committee Substitute for Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for rental in any county or counties in the State for irrigation or for agricultural purposes, and in the rates charged therefor by any furnisher of water for said purposes in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements and understandings in contravention of this Act, and providing remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water.

HUBBELL, Chairman.

Senate Bill No. 199 ordered on file.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bill No. 199 having been made a special order for this hour, the same was taken up.

Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employes who shall violate or attempt or threaten to violate the provisions of this Act.

Read third time on a previous day.

SPECIAL ORDER SET.

On motion of Senator Curtin, the further consideration of Senate Bill No. 199 was made a special order for Monday, February 23, 1903, at ten o'clock and thirty minutes A. M.

RECESS.

At twelve o'clock and thirty minutes P. M., the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

LEAVES OF ABSENCE.

Senator Woodward was, on his own motion, granted leave of absence until Tuesday, February 24, 1903.

Senator Emmons was, on his own motion, granted leave of absence until Monday, February 23, 1903.

Senator Tyrrell of Nevada was, on motion of Senator Nelson, granted leave of absence for this afternoon.

Senator Belshaw was, on his own motion, granted leave of absence for this afternoon.

Senator Welch was, on his own motion, granted leave of absence until Tuesday, February 24, 1903.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Smith, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 380—An Act to amend Section 791, relating to notaries public, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Also: Assembly Bill No. 134—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof and means for the enforcement of the Act.

Also: Assembly Bill No. 389—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer, or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence.

Also: Assembly Bill No. 135—An Act to amend Section 3876 of the Political Code, relating to settlements with the Controller and payments into the State Treasury.

Also: Assembly Bill No. 333—An Act to provide for the proper sanitary construction, equipment and inspection of bakeshops, kitchens and all other premises used in the cooking of any article of food for public sale or consumption; for the appointment of a bakeshop and kitchen inspector, and providing a salary therefor, and imposing penalties for violation of its provisions.

Also: Assembly Bill No. 297—An Act to appropriate the sum of \$50,000 for the purpose of putting, as near as possible, the attic of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto.

Also: Assembly Bill No. 756—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Surveyor-General's office for the remainder of the fifty-fourth fiscal year.

Also: Adopted Assembly Joint Resolution No. 14—Relative to memorializing our Senators and Representatives in Congress to secure a reconsideration of the order of the Federal authorities transferring the Spanish archives from San Francisco to Washington, and to secure, if possible, the transfer of said archives to the State of California.

Also: Senate Joint Resolution No. 13—Relative to the proposed transfer to Washington by the Secretary of the Interior of the old and valuable Spanish archives of California.

Also: Passed Assembly Bill No. 396—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto a new section, to be designated as Section 779, relative to the election, in municipal corporations of the fifth class, of a board of fifteen freeholders to frame a charter for the government of any such municipality.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant Clerk.

Assembly Bill No. 380 read first time, and referred to San Francisco Delegation.

Assembly Bill No. 134 read first time, and referred to Committee on Agriculture and Dairying.

Assembly Bill No. 389 read first time, and referred to Committee on Corporations.

Assembly Bill No. 135 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 333 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 297 read first time, and referred to Committee on Finance.

Assembly Bill No. 756 read first time, and referred to Committee on Finance.

Assembly Joint Resolution No. 14 referred to Committee on Federal Relations.

Assembly Bill No. 396 read first time, and referred to Committee on Municipal Corporations.

Senate Joint Resolution No. 13 ordered to enrollment.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Selvage moved that Assembly Bill No. 652—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes—and Assembly Bill No. 653—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes—be recalled from Committee on Agriculture and Dairying and ordered on file without reference to committee, and that he be permitted to withdraw Senate Bill No. 475—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes—and Senate Bill No. 476—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes.

Senator Lukens moved to amend that Senate Bills Nos. 475 and 476 be re-referred to Committee on Judiciary, and that Assembly Bills Nos. 652 and 653 be recalled from Committee on Agriculture and Dairying and referred to Committee on Judiciary.

Amendment lost.

The question being on the motion of Senator Selvage.

The roll was called, and the motion carried by the following vote:

AYES—Senators Byrnes, Coggins, Corlett, Devlin, Emmons, Flint, Hubbell, Lardner, Luchsinger, Muentner, Nelson, Oneal, Plunkett, Ralston, Savage, Selvage, Shortridge, Smith, Welch, and Williams—20.

NOES—Senators French, Hahn, Knowland, Leavitt, Lukens, Rowell, Tyrrell of San Francisco, Wolfe, and Woodward—9.

Assembly Bills Nos. 652 and 653 recalled from the Committee on Agriculture and Dairying and ordered on file. Senate Bills Nos. 475 and 476 withdrawn, and ordered stricken from the file.

At two o'clock and forty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL FILE—ASSEMBLY BILLS.

Assembly Bill No. 382—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

Read third time.

Senator Wolfe moved to refer to Senator Smith, as a special committee of one, to amend as follows:

By striking out of section one, page two, line twenty, the word "twelve," and inserting the word "nine."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 20, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 382, with instructions to amend, respectfully reports the same back, amended as per instructions.

SMITH, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and on file for final passage.

Assembly Bill No. 383—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 383 finally passed by the following vote:

AYES—Senators Bunkers, Byrnes, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Luchsinger, Oneal, Plunkett, Ralston, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 44—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

On motion of Senator Curtin, passed on file, to retain place.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution by adding thereto a section, to be numbered Section 21, and relating to appointments, transfers, promotions, and removals of officers and employees of the State, its cities and political subdivisions.

On motion of Senator Smith, passed on file, to retain place.

Assembly Bill No. 612—An Act making an appropriation of \$4,310.75 for transportation of officers and members of the National Guard of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 612 finally passed by the following vote:

AYES—Senators Bunkers, Byrnes, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Muentner, Nelson, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 70—An Act making an appropriation to pay the judgment of J. R. Hanify against the State of California for damage

sustained by the breakage of Fremont Street wharf, in the City and County of San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 70 finally passed by the following vote:

AYES—Senators Byrnes, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Muentner, Nelson, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State of California by adding a new section thereto, to be numbered Section 10½, in relation to revenue and taxation.

On motion of Senator Leavitt, passed on file, to retain place.

Assembly Bill No. 394—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 334—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 539—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Adjutant-General's office, for the fifty-third fiscal year.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bills Nos. 304 and 314, having been made a special order for this hour, Senator Lukens moved that the further consideration be postponed until Monday, February 23, 1903, immediately following the consideration of the special file of Assembly bills, and that it be made a special order for that date and hour.

Motion carried.

Senator Devlin asked for and was granted unanimous consent to have a proposed amendment to Senate Bill No. 304 printed in the Journal.

Senator Lukens moved that Senate Bill No. 304, together with the pending amendments by special committees and the proposed amendment, be printed in the Journal.

Motion carried.

SENATE BILL No. 304.

An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

The people of the State of California, represented in Senate and Assembly, do enact as follows:
SECTION 1. Section 1970 of the Civil Code of the State of California is hereby amended so as to read as follows:

Section 1970. An employer is not bound to indemnify his employé for losses suffered by the latter in consequence of the ordinary risks of the business in which he is employed, nor in consequence of the negligence of another person employed by the same employer in the same general business, unless in the course of the employer's business such other person has the power of ordering or directing such employé in the performance of his work, or unless the employer has neglected to use ordinary care in the selection of the culpable employé.

SEC. 2. This Act shall take effect immediately.

Read third time on a previous day.

Senator Lukens moved to refer to Senator Hubbell, as a special committee of one, to amend as follows:

By striking out of section one, in line nine et seq., the words "in the course of the employer's business." etc., down to and including the words "performance of his work" in line eleven of said section, and inserting the following: "the negligence causing the injury was committed in the performance of a duty the employer owes to the employé."

Senator Belshaw moved as an amendment offered by Senator Lukens to refer to Senator Hubbell as a special committee of one, to amend as follows:

By striking out of section one, line ten, the words "has the power of ordering or directing," and inserting the following: "is acting in the capacity of superintendent or foreman over."

PROPOSED AMENDMENT TO SENATE BILL NO. 304.

Amend by striking out all of section one, and inserting in lieu thereof the following: Section 1970. An employer is not bound to indemnify his employé for losses suffered by the latter in consequence of the ordinary risks of the business in which he is employed, nor in consequence of the negligence of another person employed by the same employer in the same general business unless such other person is a vice-principal of the employer. A vice-principal is one whom the employer selects to perform for him any of the following duties: The furnishing of a reasonably safe place for doing the work, reasonably safe tools and appliances for the accomplishment of the work, the exercise of proper diligence in the employment of reasonably safe and competent men, or the adoption and promulgation of safe and proper rules for the conduct of the business. The fact that one employé is superior in authority to another does not have the effect of changing his relation as a fellow employé, where he is not a vice-principal. The mere fact that the function of one is to exercise supervision and control over some work undertaken by the employer which requires supervision and over subordinate employés engaged in that work, and where the other is not vested by the employer with any such power of direction or management does not constitute such supervising employé a vice-principal. In order to constitute a superior employé a vice-principal, he must be one who is clothed with the control and management of a distinct department, and not a mere separate piece of work in one of the branches of service in departments. When the business of the employer is of such great and diversified extent that it naturally and necessarily separates itself into departments of service, the individuals placed by the employer in charge of these separate branches and departments of service, and given entire and absolute control therein, are vice-principals. The negligence of the vice-principal must be the proximate cause of the injury, and the injured employé must be free from negligence. The employer is also bound to indemnify the injured employé if the former has neglected to use ordinary care in the selection of the culpable employé.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee to whom was referred a resolution offered by Senator French, relative to the State Board of Barber Examiners, was received:

SENATE CHAMBER, SACRAMENTO, February 20, 1903.

MR. PRESIDENT: Your special committee to whom was referred the resolution introduced by Senator French, calling for an investigation of the accounts of the Board of Examiners of Barbers and the appointment of a special committee for that purpose, have had the same under consideration, and recommend that a special committee of three Senators be appointed to go over said accounts.

WOLFE, Chairman.

Report read and adopted.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Smith:

Resolved, That Senators Leavitt, Smith, Coggins, Muenter, and Tyrrell of San Francisco be and they are hereby authorized to visit the fish hatcheries at Sisson and to report concerning the necessity for appropriations thereon now before the Senate.

Resolution read and adopted.

WITHDRAWAL OF BILLS.

Senator Welch asked for and was granted unanimous consent to withdraw Senate Bill No. 161—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

Also: Senate Bill No. 219—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

Also: Senate Bill No. 218—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

Senate Bills Nos. 161, 219 and 218 withdrawn and ordered stricken from the file.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bill No. 623 having been made a special order for this day, the same was, on motion of Senator Leavitt, taken up.

Senate Bill No. 623—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of or work done for the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof.

Bill read second time, considered engrossed, and ordered to third reading.

SPECIAL ORDER SET.

On motion of Senator Leavitt, further consideration of Senate Bill No. 623 was made the special order for Monday, February 23, 1903, at ten o'clock and thirty minutes A. M., to follow the special order already set for that hour.

MOTION TO RECONSIDER.

In compliance with his notice given on Thursday, February 19, 1903, Senator Lukens moved that the vote whereby Senate Bill No. 281—An Act to add a new section to the Code of Civil Procedure, to be numbered 635, relating to trials of questions of fact by the court—was passed, be now reconsidered.

The motion was duly seconded.

Senator Lukens moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 281 was refused final passage, be postponed until next legislative day.

So ordered.

LEAVES OF ABSENCE.

Senator Lardner was, on his own motion, granted leave of absence until Monday, February 23, 1903.

Senator French was, on his own motion, granted leave of absence until Monday, February 23, 1903.

Senator Williams was, on his own motion, granted leave of absence until Monday, February 23, 1903.

Senator Bunkers was, on his own motion, granted leave of absence until Monday, February 23, 1903.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 423—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the fees and salaries of certain county officers—have had the same under consideration, and respectfully report the same back without recommendation.

WOODWARD, Chairman.

Senate Bill No. 423 ordered on file.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 9—Relative to claim of Jessie Benton Fremont.

Also: Senate Joint Resolution No. 11—Memorializing Congress to give consideration to House Bill No. 11,534, relative to the purchase or condemnation of the principal grove of the California Gigantea Sequoia, in Calaveras County.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

Also: Senate Joint Resolution No. 10—Relative to requesting the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution providing for the election of United States Senators by a direct vote of the people.

Also: Senate Joint Resolution No. 12—Relative to establishing a library post.

Also: Assembly Joint Resolution No. 8—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Constitutional Amendment No. 19—Relative to the term and compensation of legislators, and limiting the number and per diem of attachés—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw the same.

HAHN, Chairman.

Senate Joint Resolutions Nos. 9, 11, 10, and 12, and Assembly Joint Resolution No. 8 ordered on file.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT.

Senator Hubbell asked for and was granted unanimous consent to withdraw Senate Constitutional Amendment No. 19.

Constitutional amendment withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 20, 1903.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Senate Bill No. 648—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense, and providing a mode of condemnation thereof, and for the payment of extra labor employed therein—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

FRENCH, Chairman.

Senate Bill No. 648 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 198—An Act relating to justices' courts in cities and counties of more than one hundred thousand population, and providing for the appointment of a justices' clerk and his assistants, prescribing their duties, and fixing their compensation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 483—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUKENS, Chairman.

Senate Bills Nos. 198 and 483 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 681—An Act making an appropriation to pay a deficiency in the costs and expenses of suit fund of the Attorney-General's office of California for the fifty-second and fifty-third fiscal years.

Also: Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Also: Assembly Bill No. 371—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899.

Also: Assembly Bill No. 138—An Act providing for an appropriation of \$5,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort and for the necessary incidental expenses for maintenance.

Also: Senate Bill No. 445—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Also: Senate Bill No. 202—An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904; also, for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School.

Also: Assembly Bill No. 419—An Act authorizing the State Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

DEVLIN, Chairman.

Assembly Bills Nos. 681, 126, 371, 138, 179, 419, and 18, and Senate Bills Nos. 445 and 202, ordered on file.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 20, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 653—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BYRNES, Chairman.

Senate Bill No. 653 ordered on file.

CONSIDERATION OF DAILY FILE.

Senate Bill No. 94—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders," and "injunctions," as applied to disputes between employers and employés in the State of California.

On motion of Senator Lukens, passed on file, to retain place.

Senate Bill No. 72—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

On motion of Senator Lukens, passed on file, to retain place.

Senate Bill No. 298—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402½, relating to the furnishing and erecting of unsafe and improper scaffolding or mechanical contrivances.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 298 passed by the following vote:

Ayes—Senators Bunkers, Byrnes, Devlin, Duggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lucens, Nelson, Ralston, Rowell, Sanford, Savage, Selvaige, Ward, Williams, and Woodward—22.

Noes—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 235—An Act to amend Section 737 of the Political Code, relating to the salaries of Superior Judges.

Read third time.

Senator Ward moved to refer to Senator Rowell, as a special committee of one, to amend as follows:

By striking out of section one, line nine, the words "San Diego," and inserting the following in line fourteen, section one, between the words "Riverside" and "are" the words "San Diego."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 235, with instructions to amend, respectfully reports the same back, amended as per instructions.

ROWELL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

THE ASSEMBLY REQUESTED TO RETURN SENATE BILL.

On motion of Senator Devlin, the Secretary was directed to request the Assembly to return Senate Bill No. 302 to the Senate.

BILL RE-REFERRED TO COMMITTEE.

On motion of Senator Wolfe, Senate Bill No. 564 was re-referred to Committee on Labor and Capital.

BILL RECALLED FROM COMMITTEE.

Senator Oneal moved that Assembly Bill No. 389—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer, or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence—be recalled from Committee on Corporations, to be ordered on file.

Motion carried.

JOINT RESOLUTION RECALLED FROM COMMITTEE.

Senator Knowland moved that Assembly Joint Resolution No. 14—Memorializing our Senators and Representatives in Congress to secure a reconsideration of the order of the Federal authorities transferring the Spanish archives from San Francisco to Washington, and to secure, if possible, the transfer of said archives to the State of California—be recalled from Committee on Federal Relations, to be ordered on file.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Sanford: Senate Bill No. 679—An Act to provide for the control of the flood waters of the Sacramento River; to improve its channel for the purposes of navigation, and to drain its flood areas.

Bill read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

By Senator Rowell: Senate Bill No. 680—An Act to amend Section 1577 of the Political Code of California, relating to the formation of new school districts.

Bill read first time, and referred to Committee on Education.

By Committee on Code Revision: Senate Bill No. 681—An Act to amend Section 14 of the Civil Code, relating to definitions.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 682—An Act to amend Sections 47 and 49 of the Civil Code, and to add four new sections thereto, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 683—An Act to repeal Section 58 and to amend Sections 60, 61, 68, 69, 70, 79½, and 84 of the Civil Code, all relating to marriage.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 684—An Act to amend Sections 94, 106, 123, 136, 137, and 146, and to repeal Section 144 of the Civil Code, all relating to divorce.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 685—An Act to amend Sections 161, 164, and 170 of the Civil Code, all relating to husband and wife.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 686—An Act to amend Sections 224, 226, and 227 of the Civil Code, all relating to the adoption of children.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 687—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, 255, and 258, and to amend Section 246 of the Civil Code, all relating to guardian and ward.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 688—An Act to repeal Title IV of Part III of Division First of the Civil Code, and each and every section of said title, and to substitute a new Title IV to take the place thereof in said code, relating to masters and apprentices.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 689—An Act to amend Sections 299, 301, 302, 303, 304, 309, 310, 311, 312, 314, 315, and 321a of the Civil Code, all relating to corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 690—An Act to amend Sections 322, 323, 325 of the Civil Code, and to add a new section thereto, to be numbered 328, all relating to stockholders in corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 691—An Act to amend Sections 360 and 362, and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 692—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 693—An Act to repeal Section 399, and to amend Sections 400 and 401 of the Civil Code, all relating to the dissolution and extension of corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 694—An Act to add a Chapter to Title I of Part IV of Division First of the Civil Code, relating to foreign corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 695—An Act to amend Sections 414, 415, 417, 418, and 419 of the Civil Code, and to add a new section thereto, to be numbered 421, all relating to insurance corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 696—An Act to repeal Sections 427, 431, and 432 and to amend Section 428 of the Civil Code, all relating to fire and marine insurance corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 697—An Act to amend Sections 437, 447, 449, and 450, and to repeal Sections 444 and 448 of the Civil Code, and to add a new section thereto, to be numbered 452, all relating to mutual life, health, and accident insurance companies.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 698—An Act to add a Chapter IV to Title II of Part IV of Division First of the Civil Code, relating to mutual benefit and life associations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 699—An Act to add a Chapter V to Title II of Part IV of Division First of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 700—An Act to add a Chapter VI of Title II of Part II of Division First of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 701—An Act to amend Sections 465, 481, 489, and to repeal Section 492 of the Civil Code, and to add two new sections thereto, to be numbered 465a and 473a, all relating to railroad corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 702—An Act to amend Sections 497, 498, 501, 504, and 507 of the Civil Code, all relating to street railway corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 703—An Act to amend Sections 513, 514, 517, 518, and 522 of the Civil Code, all relating to wagon-road corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 704—An Act to add a new section to the Civil Code, to be numbered 524, relating to franchises for the construction of paths and roads for the use of horseless vehicles.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 705—An Act to amend Sections 528, 529, and 530 of the Civil Code, all relating to bridge, ferry, wharf, chute, and pier corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 706—An Act to repeal Chapter VII of Title IV of Part IV of Division First of the Civil Code, and each and every section of such chapter, and to substitute a new Chapter VII to take the place thereof in said code, relating to telegraph and telephone corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 707—An Act to amend Sections 549 and 551, and to repeal Section 550 of the Civil Code, all relating to water and canal corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 708—An Act to add a new section to the Civil Code, to be numbered 580, relating to statements to be made and notices to be given depositors of money.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 709—An Act to repeal Title XI of Part IV of Division First of the Civil Code, and each and every section of said title, and to substitute a new Title XI to take the place thereof in said code, relating to mining corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 710—An Act to add a new title to Part IV of Division First of the Civil Code, to be known as Title XIa, relating to corporations for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 711—An Act to amend Sections 593, 595 and 597 of the Civil Code, all relating to benevolent corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 712—An Act to add a title to Part IV of Division First of the Civil Code, to be known as Title XIIa, relating to societies for the prevention of cruelty to children and animals.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 713—An Act to amend Sections 612 and 613, and to repeal Section 616 of the Civil Code, all relating to cemetery corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 714—An Act to repeal Title XV of Part IV of Division First of the Civil Code, and to substitute therefor in said code

a new Title XV, relating to corporations formed for the purpose of furnishing light for public use.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 715—An Act to amend Sections 635, 641, and 643, and to repeal Section 648 $\frac{1}{2}$ of the Civil Code, relating to land and building corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 716—An Act to add a Title XIX to Part IV of Division First of the Civil Code, relating to co-operative business corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 717—An Act to add a Title XX to Part IV of Division First of the Civil Code, relating to co-operative business associations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 718—An Act to amend Sections 682, 683, 686, 702, and 703 of the Civil Code, all relating to interests in property.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 719—An Act to amend Section 709 of the Civil Code, relating to conditions precedent.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 720—An Act to amend Section 801 of the Civil Code, relating to servitudes.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 721—An Act to amend Section 832 of the Civil Code, relating to the rights of coterminous powers.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 722—An Act to add Sections 842 and 843 to the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 723—An Act to amend Sections 857 and 859 of the Civil Code, both relating to trusts.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 724—An Act to amend Section 993 of the Civil Code, relating to the transfer of the good will and name of a business.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 725—An Act to amend Section 1055 of the Civil Code, relating to the presumption of the time of the execution of a grant.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 726—An Act to amend Section 1067 of the Civil Code, relating to the interpretation of grants.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 727—An Act to add a new section to the Civil Code, to be numbered 1096, relating to the mode of transferring real property.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 728—An Act to amend Section 1106 of the Civil Code, relating to the effect of a transfer of real property.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 729—An Act to amend Section 1149 of the Civil Code, relating to gifts.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 730—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 731—An Act to amend Sections 1181, 1185, 1190, 1193, 1202, 1203, and 1207 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 732—An Act to add a new section to the Civil Code, to be numbered 1218, relating to the recording of certified copies of instruments in writing.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 733—An Act to repeal Chapter I of Title V of Part IV of Division Second of the Civil Code, and each and every section of said Chapter I, and to substitute a new Chapter I to take the place thereof in said code, relating to homesteads.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 734—An Act to amend Section 1263 of the Civil Code, relating to declarations of homesteads.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 735—An Act to add a new chapter to Title V of Part IV of Division Second of the Civil Code, relating to homesteads of insane persons.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 736—An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1326, 1327, 1343, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 737—An Act to amend Sections 1386, 1387, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 738—An Act to add a new section to the Civil Code, to be numbered 1468, relating to covenants running with land.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 739—An Act to amend Sections 1473 and 1479 of the Civil Code, relating to the performance of obligations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 740—An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 741—An Act to amend Section 1691 of the Civil Code, relating to the rescission of contracts.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 742—An Act to amend Section 1715 of the Civil Code, and to add two new sections thereto, to be numbered 1716 and 1717, all relating to waste.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 743—An Act to add a new section to the Civil Code, to be numbered 1779, relating to warranties.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 744—An Act to add an Article IIIa to Chapter II of Title III of Part IV of Division Third of the Civil Code, relating to warehousemen.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 745—An Act to amend Section 1863 of the Civil Code, relating to innkeepers.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 746—An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 747—An Act to amend Sections 1929, 1930, and 1932 of the Civil Code, all relating to the hiring of property.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 748—An Act to amend Sections 1980, 1990, and 1996 of the Civil Code, all relating to employers and employes.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 749—An Act to amend Sections 2161, 2207, and 2208 of the Civil Code, all relating to carriers of messages.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 750—An Act to amend Sections 2170, 2172, 2180, and 2195 of the Civil Code, all relating to common carriers.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 751—An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 752—An Act to add a new section to the Civil Code, to be numbered 2245, relating to trusts.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 753—An Act to amend Section 2334 of the Civil Code, relating to the liability of principals for the acts of their agents.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 754—An Act to amend Sections 2406, 2450, 2461, 2468, and 2489 of the Civil Code, all relating to partnerships.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 755—An Act to amend Section 2541 of the Civil Code, relating to insurance of mortgaged property.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 756—An Act to add a new section to the Civil Code, to be known and numbered 2893, relating to the enforcement of liens on personal property.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 757—An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to liens.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 758—An Act to amend Sections 2936, 2959, 2968, and 2969 of the Civil Code, and to add a new section thereto, to be numbered 2973, all relating to mortgages.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 759—An Act to amend Section 3052 of the Civil Code, and to add five new sections thereto, to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 760—An Act to amend Sections 3131, 3156, 3176, 3197, 3235, and 3245 of the Civil Code, all relating to negotiable instruments.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 761—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 762—An Act to add a new section to the Civil Code, to be numbered 3346a, relating to damages for negligently firing woods.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 763—An Act to amend Section 3366 of the Civil Code, relating to specific and preventive relief.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 764—An Act to add a new section to the Civil Code, to be numbered 3396, relating to judgments for the specific performance of contracts.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 765—An Act to amend Section 3406 of the Civil Code, relating to the rescission of contracts.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 766—An Act to amend Section 3442 of the Civil Code, relating to fraudulent instruments and transfers.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 767—An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 768—An Act to amend Sections 3479 and 3503 of the Civil Code, both relating to nuisances.

Bill read first time, and ordered on file without reference to committee.

By Senator Byrnes: Senate Bill No. 769—An Act making an appropriation to pay the claim of the County of Santa Cruz for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Bill read first time, and referred to Committee on Finance.

By Senator Wolfe: Senate Bill No. 770—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of a seawall and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Bill read first time, and referred to San Francisco Delegation.

ADJOURNMENT.

At four o'clock P. M., on motion of Senator Ralston, the Senate was declared adjourned until Monday, February 23, 1903, at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Monday, February 23, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, and Wolfe—32.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 20, 1903, the further reading was dispensed with, on motion of Senator Lukens.

APPROVAL OF JOURNALS.

The Journals of Wednesday, February 18, and Thursday, February 19, 1903, having been corrected, were read and approved.

LEAVE OF ABSENCE.

Senator Tyrrell of Nevada was, on motion of Senator Nelson, granted leave of absence for the day.

PETITIONS.

The following petitions were presented:

By Senator Belshaw:

POINT RICHMOND, CAL., February 11, 1903.

To the HON. CHAS. M. BELSHAW, Senator from the Eleventh District:

We, the merchants, members of the Richmond Retail Grocers and Merchants' Association, respectfully request that you use your influence and vote for the passage of a bill to become a law allowing the merchants of this State to form mutual fire insurance companies, and oblige,

Yours respectfully,

(Signed:) Wm. F. Belding, Jr., President; Frank Critchett, Secretary; Jack Simon, Geo. B. Hinds, A. M. Coleman & Co., Richmond Transfer Co., Union Grocery Co., J. Savill & Son, A. Scheeline, M. M. Hangen, Stitt & Stiefvater, George Renacre, Otto R. Rudewig.

Also: From Danville Grange, Patrons of Husbandry:

Preambles and resolutions in favor of an appropriation by the State Legislature for the California Polytechnic School.

WHEREAS, The State Legislature at its last session made an appropriation of \$50,000 for the purpose of establishing the California Polytechnic School at San Luis Obispo; and

WHEREAS, The Trustees of said school have purchased a suitable site of 280 acres near the City of San Luis Obispo at a cost of \$7,800 and are expending the remainder of said appropriation for the erection of buildings; and

WHEREAS, The Trustees have determined to make the study and practice of agriculture in its various branches of domestic science, carpentry, blacksmithing, and other industrial trades particularly suited for country communities the leading features of said school; and

WHEREAS, The trustees have estimated that an additional sum of \$100,000 will be needed for the next two years to erect other necessary buildings and carry on the work of the school and have asked the Legislature for such an appropriation; and

WHEREAS, We believe that the establishment and liberal maintenance of said school will be of inestimable value for the practical education of boys and girls who reside in the country; be it therefore

Resolved, That we petition the Legislature to make the desired appropriation for the further equipment and maintenance of the California Polytechnic School; and be it further

Resolved, That these preambles and resolutions be sent to each of our representatives in the Legislature and to the Governor.

[SEAL.]

S. F. RAMAGE, President.

S. E. WOOD, Secretary.

TELEGRAPHIC COMMUNICATION.

The President pro tem. laid the following telegram before the Senate, which was read and ordered printed in the Journal:

WASHINGTON, D. C., February 21, 1903.

FRANK J. BRANDON, *Secretary Senate, California Legislature, Sacramento*:

Surveyor-General of California has been directed to take no further steps in matter of transfer of Spanish-American archives from his office to library of Congress until further orders from department.

E. A. HITCHCOCK, Secretary.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 405—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 11, 1901.

Also: Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

Also: Senate Bill No. 9—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.

Also: Senate Bill No. 355—An Act providing for the relief of J. H. Sawtell, directing the Board of Trustees of the City of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of \$1,130 and interest thereon, and to audit the demand therefor, and directing the President of the said Board of Trustees of said city to issue his warrant for said sum of money and the City Clerk of said city to countersign said warrant, and the Treasurer of said city to pay said warrant.

Also: Senate Bill No. 272—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to sewers.

Also: Senate Bill No. 67—An Act for preserving the James W. Marshall monument at Coloma, California, piping water on the grounds where located, and improving said grounds, and making an appropriation therefor.

Also: Senate Bill No. 204—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers or warehousemen.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Senate Bills Nos. 405, 13, 9, 355, 272, 67, and 204 ordered to enrollment.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the following Assembly amendment to Senate Bill No. 62—An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among steam engineers in the State of California—viz.: "Amend by striking out the enacting clause," having been made a special order for this hour, the same was taken up.

POINT OF ORDER.

Senator Belshaw raised the point of order that as the Assembly had amended Senate Bill No. 62 by striking out the enacting clause, and had failed to pass the bill, the same had no place on the Senate file and was therefore not properly before this body.

The President pro tem. held that the point of order was well taken.

RESOLUTION.

The following resolution was offered:

By Senator Leavitt:

Resolved, That the Finance Committee of the Senate be and they are hereby empowered and authorized to employ an expert accountant to aid them in the proper discharge of their duties, the cost thereof to be paid out of the Contingent Fund of the Senate.

Resolution read.

Senator Leavitt moved that the rules be suspended and the resolution adopted.

The question being on the suspension of the rules and adoption of the resolution.

The roll was called, and the rules suspended and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Sanford, Selvage, Shortridge, Smith, Ward, Williams, and Wolfe—27.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 20, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Substitute for Senate Bill No. 87—An Act to amend the Political Code by amending Section 2696 thereof, and by adding a new section thereto, to be numbered Section 2643a, relating to roads and highways.

Also: Senate Bill No. 253—An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks.

Also: Senate Bill No. 257—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Also: Senate Bill No. 241—An Act to amend Sections 2293, 2295, and 2298 of the Political Code, relating to the State Library.

And report that the same have been correctly enrolled, and presented the same to the Governor on this twentieth day of February, 1903, at eight o'clock and fifteen minutes P. M.

Also: Have examined and found the following bills correctly engrossed:

Senate Bill No. 259—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor.

Also: Senate Bill No. 206—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code) in that certain action in the Supreme Court of the State of California entitled County of San Luis Obispo vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tiley L. Ford, Attorney-General of the State of California; Henry T. Gage, Chairman of the Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners; Tiley L. Ford, member of the State Board of Examiners; Henry T. Gage, Charles F. Curry, and Tiley L. Ford constituting and composing the State Board of Examiners of the State of California, numbered Sacramento, No. 1042; and also in that certain action commenced in the Superior Court of the State of California, in and for the County of Sacramento, and which was therein entitled County of Butte vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California;

Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, Chairman of the State Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners of the State of California; Tirey L. Ford, member of the State Board of Examiners of the State of California; Henry T. Gage, Charles F. Curry, and Tirey L. Ford constituting and composing the State Board of Examiners of the State of California, No. 9502; and also in those certain actions commenced in and decided by the Superior Court of the State of California in and for the County of Sacramento, and which were therein entitled W. L. Wood vs. State of California, No. 9555; W. L. Wood vs. State of California, No. 9622; Charles Bickerdike vs. State of California, No. 9608; National Bank of D. O. Mills & Co. vs. State of California, No. 9616; J. J. Bauer vs. State of California, No. 9304; C. A. Weaver vs. State of California, No. 9609; A. T. Lightner vs. State of California, No. 9613; George Leonard vs. State of California, No. 9611; C. A. Pommer vs. State of California, No. 9610; L. C. Waite vs. State of California, No. 9612; W. S. Hooper vs. State of California, No. 9526; E. Weisbaum vs. State of California, No. 9615; J. F. Pryor vs. State of California, No. 9614; W. B. Waldron vs. State of California, No. 9617; San Francisco Law and Collection Co. vs. State of California, No. 9355; N. Weisbaum vs. State of California, No. 9616; San Francisco Law and Collection Co. vs. State of California, No. 9607; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled Samuel Davis vs. State of California, No. 6869; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, which was therein entitled Samuel Davis vs. State of California, No. 6871.

Also: Senate Bill No. 127—An Act making an appropriation to pay a judgment for the sum of \$5880, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus the State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Also: Senate Bill No. 128—An Act making an appropriation to pay a judgment for the sum of \$8,655, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Also: Senate Bill No. 213—An Act to appropriate \$6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Also: Senate Bill No. 470—An Act to appropriate the sum of \$185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

Also: Senate Bill No. 7—An Act to appropriate the sum of \$1,315, to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California, in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of the Legislature of the State of California, entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Senate Bill No. 130—An Act making an appropriation to pay a judgment for the sum of \$3,195, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Also: Senate Bill No. 295—An Act making an appropriation to pay a judgment for the sum of \$1,320, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Bank of Commerce, a corporation, plaintiff, versus The People of the State of California, defendant, numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, at page 391.

Also: Senate Bill No. 275—An Act to appropriate \$500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of the Superior Court of the County of Butte.

Also: Senate Bill No. 46—An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Also: Senate Bill No. 481—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Also: Senate Bill No. 313—An Act making an appropriation to pay the judgment of \$550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book "3," page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Also: Senate Bill No. 471—An Act to appropriate the sum of \$400 to pay the claim of John E. Tucker against the State of California, upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Also: Senate Bill No. 309—An Act making an appropriation to pay the judgment of \$370 obtained in the Superior Court of the State of California in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book "3," page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. The State of California, defendant.

Also: Senate Bill No. 255—An Act to appropriate \$2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Also: Senate Bill No. 212—An Act to appropriate \$55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Also: Senate Bill No. 331—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Also: Senate Bill No. 291—An Act appropriating the sum of \$100,000 for the purchase of a site, and for the erection, equipment, and furnishing of a building or buildings, for the use of the San Francisco State Normal School.

Also: Senate Bill No. 332—An Act making an appropriation for the California Polytechnic School.

Also: Senate Bill No. 305—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor.

Also: Committee Substitute for Senate Bill No. 47—An Act to provide for the establishment and operation of a State dairy school and experiment farm, the construction of a building for said school, to provide for the appointment of a commission to select a site for the location thereof, and appropriating money therefor.

Also: Committee Substitute for Senate Bill No. 73—An Act to appropriate \$30,000 for the purchase of additional land for the use of the Stockton State Hospital, with the existing improvements thereon, and to purchase dairy cows, all for the use of said hospital.

Also: Senate Bill No. 26—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Also: Senate Bill No. 328—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Also: Senate Bill No. 437—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the government and management of State hospitals for the insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Also: Senate Bill No. 155—An Act to amend Section 1489 of the Political Code, relating to the powers and duties of Boards of Trustees of the Normal Schools in the State of California.

Also: Senate Bill No. 387—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

Also: Senate Bill No. 376—An Act regulating the use of trade-union labels upon printed matter furnished by or for the State of California.

Also: Senate Bill No. 377—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles or jars, making it a misdemeanor, and providing penalties for the violation thereof.

Also: Senate Bill No. 247—An Act to provide for the appointment of a county live stock, dairy, food, and sanitary inspector, prescribing his duties, powers, and compensation.

Also: Senate Bill No. 269—An Act regulating the furnishing of light or power to incorporated cities, manner of payment for the same, and penalty for violation of the provisions of said Act.

Also: Senate Bill No. 371—An Act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California, for the arrest of Josef E. Blanthier, for murder.

Also: Senate Bill No. 478—An Act to add a new section to the Political Code, to be numbered 3557, relating to the cancellation of taxes on lands resold by the State where a judgment has been entered annulling the certificate of purchase.

Also: Senate Bill No. 567—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees, or supervisors, in counties, cities, cities and counties, or towns.

Also: Senate Bill No. 368—An Act to amend Section 1665 of the Political Code of the State of California, relating to branches of instruction in the public schools.

Also: Senate Bill No. 367—An Act to amend Section 1668 of the Political Code of the State of California, relating to physical culture and exercises.

Also: Senate Bill No. 246—An Act to amend an Act entitled "An Act to protect domestic live stock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act."

Also: Senate Bill No. 109—An Act to amend Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home.

Also: Senate Bill No. 153—An Act to appropriate money to pay the claim of T. W. Spring Co. for blankets supplied the State militia of the State of California during the Spanish-American war.

Also: Senate Bill No. 325—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children; to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 385—An Act making an appropriation to pay the claim of Clark & Henery, for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Also: Senate Bill No. 274—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof; to provide the penalty therefor, and to appropriate money to enforce the same.

Also: Senate Bill No. 235—An Act to amend Section 737 of the Political Code, relating to the salaries of Superior Judges.

HUBBELL, Chairman.

Senate Bills Nos. 259, 206, 127, 128, 213, 470, 7, 130, 295, 275, 46, 481, 313, 471, 309, 255, 212, 331, 291, 332, 305, 47, 73, 26, 328, 437, 155, 387, 376, 377, 247, 269, 371, 478, 567, 368, 367, 246, 109, 153, 325, 385, 274, 235 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 23, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 252—An Act to amend an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, by adding thereto a new section after Section 4 thereof, relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof.

Also: Committee Substitute for Senate Bill No. 14—An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States, existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been, or which may hereafter be, authorized by the said United States to be paid to said State as reimbursement for any expenses or advances made by said State in aid of the said Government of the United States in the suppression of said insurrection, in whatever form said advances may have been made or said expenses may have been incurred; ratifying, also, the appointments of agents heretofore made by the Governor of this State to collect and receive said moneys, and the resolutions under which said appointments were made, and authorizing the appointment of other agents; defining the duties and creating the powers of said agents, and fixing their compensation for their services under this Act, and directing the distribution of the moneys so collected.

Also: Substitute for Senate Concurrent Resolution No. 6—Relative to appointment of committee to receive the President of the United States upon his visit to California.

Also: Senate Joint Resolution No. 14—Relative to appointment of Hon. Chester Rowell as a member of the Isthmian Canal Commission.

Also: Senate Joint Resolution No. 13—Relative to the proposed transfer to Washington by the Secretary of the Interior of the old and valuable Spanish archives of California.

And report that the same have been correctly enrolled, and presented the same to the Governor on this twenty-third day of February, 1903, at ten o'clock a. m.

HUBBELL, Chairman.

ON BANKING.

SENATE CHAMBER, SACRAMENTO, February 23, 1903.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Bill No. 425—An Act creating a Board of Bank Commissioners and prescribing their duties and powers—have had the same under consideration, and respectfully report the same back, and recommend that it be referred to a special committee of one for amendment.

KNOWLAND, Chairman.

Senate Bill No. 425 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Smith: Senate Bill No. 771—An Act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Emmons: Senate Bill No. 772—An Act to amend Section 661 of the Code of Civil Procedure of the State of California, relating to motions for new trials on the minutes of the court.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 773—An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 80, providing for sessions in bank of the Superior Court.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 774—An Act to add a new section to the Political Code of the State of California to give effect to Section 8, Article VI of the Constitution, and to provide for the compensation of judges pro tempore of the Superior Courts.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 775—A bill to amend Section 660 of the Code of Civil Procedure, relating to the hearing of motions for new trials, and providing for such hearings by the Superior Court in bank.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selva: Senate Bill No. 776—An Act providing for and authorizing the making of official city maps for the purpose of assessment, or transferring of property by descriptions, as delineated on such maps, and for the re-surveying and re-numbering of blocks, lots, or parcels of land and fixing the names of streets, avenues, lanes, courts, places, commons or parks.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 777—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1st, 1897, by amending Section 55 thereof, by providing for an official shorthand reporter, and to add a new section thereto, to be numbered "152a," providing for the manner of the appointment of an official shorthand reporter, and prescribing his duties.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 778—An Act to amend Section 221 of the Civil Code of the State of California, relating to adoption.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 779—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Bill read first time, and referred to Committee on County Government.

By Senator Muentner: Senate Bill No. 780—An Act to amend an Act entitled "An Act to amend an Act entitled an Act to amend an Act entitled an Act to amend an Act to amend Section 6 of an Act entitled an Act concerning the water front of the City and County of San Francisco, approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880, approved March 19, 1889, conferring further powers upon the said board approved March 26, 1895, approved March 23, 1901, conferring further powers on said board of commissioners.

Bill read first time, and referred to San Francisco Delegation.

By Senator Sanford: Senate Bill No. 781—An Act to amend an Act entitled "An Act to amend the Political Code" by adding a new article to Chapter II of Title VI of Part III thereof, to be numbered Article IX, embracing Sections 2745 to 2772 both inclusive, approved March 13, 1901.

Bill read first time, and referred to Committee on Judiciary.

By Senator Nelson: Senate Bill No. 782—An Act to amend the Penal Code of the State of California, by adding thereto a new section, to be numbered Section 1144, relating to the payment of fees to grand jurors.

Bill read first time, and referred to Committee on Judiciary.

By Senator Corlett: Senate Bill No. 783—An Act to appropriate the sum of \$5,000 to pay the claim of John C. Pelton for money due and owing to the said John C. Pelton from the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 784—An Act to amend Section 1401 and to repeal Section 1402 of the Civil Code of the State of California, relating to community property.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Concurrent Resolution No. 13—Approving twelve amendments to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, submitted to and voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 16th day of February, 1903.

Referred to Committee on Municipal Corporations.

By Senator Shortridge: Senate Bill No. 785—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," thereon approved March 13, 1883, and an Act amendatory thereof, approved March 18, 1897, relating to powers of the Board of Trustees of cities of the sixth class.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Belshaw: Senate Bill No. 786—An Act to provide for the building of an assembly hall for the State Prison at San Quentin and to make an appropriation for the same.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Hahn: Senate Bill No. 787—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 788—An Act to amend an Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, Police Court Judges, and Justices of the Peace, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom, providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed.

Bill read first time, and referred to Committee on Prisons and Reformatories.

By Senator Devlin: Senate Bill No. 789—An Act to amend Section 307 of the Civil Code of the State of California, relating to the election of directors, and the manner of voting for the same.

Bill read first time, and referred to Committee on Corporations.

By Senator Flint: Senate Bill No. 790—An Act to amend Section 4 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provision of the Constitution, without the Governor's approval, March 7, 1901.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator French: Senate Bill No. 791—An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by adding a new section thereto, to be numbered Section 13.

Bill read first time, and referred to Committee on Labor and Capital.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bill No. 623 having been made a special order for this hour, the same was taken up.

Senate Bill No. 623—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 623 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Sanford, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

The consideration of Senate Bill No. 199 having been made a special order for this hour, the same was taken up.

Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged

therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employes who shall violate or attempt or threaten to violate the provisions of this Act.

Read third time on a previous day.

Senator Curtin moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

By adding to section one the following: "either as to the rate per acre or the quantity per acre furnished."

Motion lost.

Senator Curtin moved that further consideration of Senate Bill No. 199 be made a special order for Wednesday, February 25, 1903, at ten o'clock and thirty minutes A. M.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 199 passed by the following vote:

AYES—Senators Bunkers, Corlett, Curtin, Emmons, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Lukens, Muenter, Nelson, Oneal, Plunkett, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Williams, and Wolfe—23.

NOES—Senators Belshaw, Coggins, Devlin, Diggs, Flint, Hubbell, Luchsinger, Ralston, Rowell, and Ward—10.

Title read and approved.

NOTICE OF MOTION TO RECONSIDER.

Senator Emmons gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 199 was this day passed.

BILLS RECALLED FROM THE ASSEMBLY.

Senator Belshaw moved that the Secretary be directed to request the Assembly to return Assembly Bill No. 13—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and improvements thereon—which had been finally passed by the Senate, to the Senate for the purpose of amendment.

Motion carried.

Senator Leavitt moved that the Secretary be directed to request the Assembly to return Senate Bill No. 623—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof—for the purpose of amendment.

Motion carried.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, February 23, 1903.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 666—An Act authorizing and directing the Board of Managers of Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Also: Senate Bill No. 667—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Also: Senate Bill No. 668—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 669—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be re-referred to Committee on Finance.

MUENTER, Chairman.

Senate Bills Nos. 666, 667, 668, and 669 referred to Committee on Finance.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 23, 1903.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 525—An Act to amend Section 330 of the Penal Code of the State of California, relating to prohibited games—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

JOHN G. TYRRELL, Chairman.

Senate Bill No. 525 ordered on file.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Committee on Elections and Election Laws: Senate Bill No. 792—An Act creating a State commission on voting and balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 793—An Act to amend Sections 1197, 1205 and 1211 of the Political Code, relating to election ballots and manner of voting.

Bill read first time, and ordered on file without reference to committee.

SPECIAL ORDER SET.

On motion of Senator Belshaw, the consideration of Senate Bills Nos. 792 and 793 was made a special order for Wednesday, February 25, 1903, immediately after the reports of standing committees.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(RESUMED).

By Senator Tyrrell of San Francisco: Senate Bill No. 794—An Act providing that, in any city, or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county, is authorized and empowered, upon a hearing, to

revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits and licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that superior courts, and all courts of competent jurisdiction, shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill read first time, and referred to San Francisco Delegation.

By Senator Tyrrell of San Francisco: Senate Bill No. 795—An Act providing that, in any city, or city and county in this State, where by general law or by charter the board of police commissioners of such city, or city and county are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable, and couched in plain and concise language, and providing that such board of police commissioners shall prescribe a separate and distinct penalty for the violation of each of said rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated; and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed, or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department, and in connection with the rules or regulations to which the same is intended to apply, and providing further, that such board of police commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Bill read first time, and referred to San Francisco Delegation.

By Senator Oneal: Senate Bill No. 796—An Act to amend Section 343 of the Political Code of the State of California, relating to the number and designation of the civil executive officers of the State of California.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 797—An Act to amend Section 368 of the Political Code of the State of California, relating to the manner of appointment of executive officers.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 798—An Act to repeal Section 2440 of the Political Code of the State of California, relating to the appointment of a Board of Pilot Commissioners for the ports of San Francisco, Mare Island, and Benicia.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 799—An Act to amend Sections 2443, 2444, 2445, and 2446 of the Political Code of the State of California, relating to the powers and duties of the Board of Pilot Commissioners.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 800—An Act to revoke the license of all pilots for the ports of San Francisco, Mare Island, Vallejo, and Benicia.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 801—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto a new section, to be numbered 2456, relating to certain powers and duties of the Board of State Harbor Commissioners, in connection with pilot regulations for the ports of San Francisco, Mare Island, and Benicia.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 802—An Act to amend Section 2462 of the Political Code of the State of California, relating to the causes for which pilots may be deprived of their licenses.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 803—An Act to amend Section 2457 of the Political Code of the State of California, relating to the appointment of pilots for the ports of San Francisco, Mare Island, and Benicia, their compensation and duties.

Bill read first time, and referred to Committee on Commerce and Navigation.

Also: Senate Bill No. 804—An Act to repeal Section 2460 of the Political Code of the State of California, relating to reports to be made by pilots of the ports of San Francisco, Mare Island, Vallejo, and Benicia, to the Board of Pilot Commissioners for said ports.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Selva: Senate Bill No. 805—An Act to amend Section 478 of the Civil Code of the State of California, relating to grants of State lands to railroad corporations.

Bill read first time, and referred to Committee on Corporations.

By Senator Savage: Senate Bill No. 806—An Act to amend section one hundred and fifty-nine of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employes of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employes.

Bill read first time, and referred to Committee on County Government.

By Senator Sanford: Senate Bill No. 807—An Act to prevent the black-listing of employes.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Leavitt: Senate Bill No. 808—An Act to appropriate the sum of \$2,400, and authorizing the State Controller to draw his warrant, and the State Treasurer to pay the same.

Bill read first time, and referred to Committee on Finance.

By Senator Nelson: Senate Bill No. 809—An Act to amend Sections 626*d* and 626*k* of the Penal Code of the State of California, and to add a new section to said Penal Code, to be numbered Section 627*c*, relating to game.

Bill read first time, and referred to Committee on Fish and Game.

By Senator French: Senate Bill No. 810—An Act to amend Sections 319, 320, 321, 323, 324, 325, and 326 of the Penal Code of the State of California, relating to lotteries, and providing that any person who engages therein, either by his labor or capital, is guilty of felony.

Bill read first time, and referred to Committee on Public Morals.

By Senator Lukens: Senate Bill No. 811—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered section six hundred and twenty-two *a* (622*a*), relating to taxation of insurance companies other than life.

Bill read first time, and referred to Committee on Corporations.

Also: Senate Bill No. 812—An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 1474*a*, relating to commissions for University of California cadets who served in the United States army or navy during the Spanish-American war.

Bill read first time, and referred to Committee on Military Affairs.

By Senator Shortridge: Senate Bill No. 813—An Act to amend Section 36 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,'" approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto, approved March 23, 1901, relating to counties of the thirty-second class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the County Surveyor.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 814—An Act to provide for locating, surveying, and maintaining a State highway from Pescadero, in the County of San Mateo, to the Santa Cruz County line, to connect with a road to the California Redwood Park, and making an appropriation therefor.

Bill read first time, and referred to Committee on Roads and Highways.

By Senator Curtin: Senate Bill No. 815—An Act to add a new section to the Penal Code, to be known as Section 1132, relating to evidence of larceny, embezzlement, and obtaining money or property by false pretenses.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 816—An Act to amend Section 166 of the Penal Code, relating to contempts of court.

Bill read first time, and referred to Committee on Judiciary.

Also (by request): Senate Bill No. 817—An Act to add a new section to the Penal Code, to be known and designated as Section 166½, relating to certain contempts of court in the trial of felony cases.

Bill read first time, and referred to Committee on Judiciary.

By Committee on Code Revision: Senate Bill No. 818—An Act to amend Section 7 of the Penal Code, relating to definitions.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 819—An Act to amend Section 27 of the Penal Code and to add a new section thereto, to be numbered 26*a*, both relating to persons liable to punishment for crime.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 820—An Act to amend Sections 42, 45, 46, 47, 49, 50, 51, 55, 57, 59, and 62 of the Penal Code, and to add six new sections thereto, to be numbered 42*a*, 49*a*, 54*a*, 54*b*, 55*a*, 57*a*, and 63*b*, all relating to crimes against the elective franchise.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 821—An Act to amend Section 76 of the Penal Code and to add a new section thereto, to be numbered 74*a*, both relating to crimes by and against the executive power of the State.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 822—An Act to amend Sections 94 and 100 of the Penal Code, both relating to bribery and corruption.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 823—An Act to amend Sections 109, 110 and 111 of the Penal Code, all relating to unlawful escapes of prisoners and the aiding therein.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 824—An Act to amend Sections 119, 121, and 124 of the Penal Code, and to add two new sections thereto, to be numbered 118*a* and 129, all relating to perjury.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 825—An Act to amend Sections 159½, 165, 167, 168, 171, and 172, and to repeal Sections 178, 179, and 180 of the Penal Code, approved February 10, 1899, and to add four new sections thereto, to be numbered 161*a*, 171*a*, 171*b*, and 171*c*, all relating to offenses against public justice.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 826—An Act to amend Section 207 of the Penal Code, relating to kidnapping.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 827—An Act to amend Section 218 of the Penal Code, and to add a new section thereto, to be numbered 214, both relating to unlawful interference with railway tracks and trains.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 828—An Act to add seven new sections to the Penal Code, relating to the prostituting of women.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 829—An Act to add two new sections to the Penal Code, to be numbered 269*a* and 269*b*, relating to open and notorious fornication and adultery.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 830—An Act to amend Sections 270 and 272 of the Penal Code and to add new sections thereto, to be numbered 271*a*, 273, 273*a*, 273*b*, 273*c*, 273*d* and 273*e*, all relating to crimes against children.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 831—An Act to amend Sections 302 and 307, and to repeal Sections 303, 306, and 310½ of the Penal Code, all relating to crimes against religion.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 832—An Act to amend Section 315 of the Penal Code, relating to houses of ill-fame.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 833—An Act to amend Section 343 of the Penal Code, relating to pawnbrokers.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 834—An Act to add a new section to the Penal Code, to be numbered 347*a*, relating to the sale of poisons.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 835—An Act to add a new section to the Penal Code, to be numbered 349*a*, relating to the preventing of fraud and imposition in the stamping and labeling of produce and manufactured goods.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 836—An Act to amend Section 360 of the Penal Code, relating to marriages.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 837—An Act to amend Sections 374, 376, 382, 383, 384, 397, and 400, and to renumber Sections 402½ and 402½, and to add a new section thereto, to be numbered 369*a*, 369*b*, 369*c*, 369*d*, 369*e*, 369*f*, 369*h*, 375*a*, 383*a*, 384*a*, 384*b*, 384*c*, 397*a*, 397*b*, 401*a*, 402*c*, all relating to crimes against the public health and safety.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 838—An Act to add two new sections to the Penal Code, both relating to unlawfully and fraudulently riding upon railroads.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 839—An Act to add a new section to the Penal Code, to be numbered 420, relating to obstructing persons from entering upon public lands of the United States.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 840—An Act to amend Sections 470, 474, 481, and 482 of the Penal Code, relating to forgeries and counterfeiting.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 841—An Act to amend Sections 487, 496, 497, 498, and 500, and to renumber Section 502½ of the Penal Code, all relating to larceny.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 842—An Act to amend Sections 512, 513, and 514 of the Penal Code, and to add a new section thereto, to be numbered 515, all relating to embezzlement.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 843—An Act to amend Section 522 of the Penal Code, relating to extortion.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 844—An Act to amend Sections 529, 530, 532, 537, approved March 1, 1889, 537 $\frac{1}{2}$, and 538, and to renumber Section 538 $\frac{1}{2}$, and to repeal Sections 531 and 537, approved March 9, 1893, of the Penal Code, and to add a new section thereto to be numbered 538*b*, all relating to false personation and cheats.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 845—An Act to amend Sections 561, 562 and 564 of the Penal Code, all relating to fraud in the management of corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 846—An Act to amend Sections 587 and 591 of the Penal Code, and to add two new sections thereto, to be numbered 587*a* and 593*a*, all relating to malicious injuries.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 847—An Act to amend Section 597 of the Penal Code and to add nine new sections thereto, all relating to cruelty to animals.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 848—An Act to add a new section to the Penal Code, to be numbered 597*g*, relating to offenses against public decency.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 849—An Act to amend Sections 601, 602, and 609, and to repeal Section 603 of the Penal Code, and to add new sections thereto to be numbered 598*a* and 599, all relating to malicious mischiefs.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 850—An Act to add four new sections to the Penal Code, all relating to the dangerous use or keeping of explosives.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 851—An Act to amend Sections 619, 620, 621, 638, 639, 640, and 641 of the Penal Code, all relating to telegraphic and telephonic messages.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 852—An Act to add three new sections to the Penal Code, all relating to crimes against employes.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 853—An Act to amend Sections 758 and 769, and to repeal Section 772 of the Penal Code, all relating to the removal of officers otherwise than by impeachment.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 854—An Act to amend Sections 777, 784, 789 of the Penal Code, and to add new sections thereto, to be numbered 778*a* and 778*b*, all relating to the local jurisdiction of public offenses.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 855—An Act to amend Sections 836 and 840 of the Penal Code, both relating to arrests.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 856—An Act to amend Sections 872 and 882 of the Penal Code, both relating to the examination of persons accused of crime and the testimony taken thereat.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 857—An Act to amend Sections 915, 919, 923, 925, and to repeal Sections 907, 908, 909, 910, 916, 931, 932, 933, 934,

935, 936, and 937 of the Penal Code, all relating to proceedings by and before grand juries.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 858—An Act to amend Sections 954, 969 and 1004, 1008, and 1020 of the Penal Code, and to add a new section thereto, to be numbered 1025, all relating to pleadings in criminal cases.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 859—An Act to amend Sections 1033 and 1034 of the Penal Code, both relating to the change of the place of trial in criminal cases.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 860—An Act to amend Sections 1108 and 1110 and to repeal Section 1125 of the Penal Code and to add new sections thereto, to be numbered 1103a and 1112, all relating to evidence necessary to convict in certain criminal cases.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 861—An Act to amend Sections 1170, 1171, 1174, and 1176 of the Penal Code, all relating to bills of exception in criminal cases.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 862—An Act to amend Sections 1185, 1186, and 1187 of the Penal Code, all relating to the arrest of judgment in criminal cases.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 863—An Act to amend Sections 1191, 1201, 1206, and 1207 of the Penal Code, all relating to judgments in criminal cases.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 864—An Act to amend Sections 1214, 1216, 1217, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, and 1229 of the Penal Code, all relating to the execution of judgments in criminal cases.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 865—An Act to amend Sections 1235, 1238, 1239, 1240, 1241, 1245, 1246, and 1264 of the Penal Code, all relating to appeals in criminal cases.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 866—An Act to amend Sections 1305, 1306, and 1307 of the Penal Code, all relating to the forfeiture of bail in criminal cases.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 867—An Act to amend Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341 of the Penal Code, all relating to the conditional examination of witnesses in criminal cases.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 868—An Act to amend Sections 1370, 1372, and 1373 of the Penal Code, all relating to inquiries into the sanity of the defendant in criminal cases.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 869—An Act to amend Section 1388, and to repeal Section 1389 of the Penal Code, both relating to criminal prosecutions against minors.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 870—An Act to amend Sections 1390 and 1391 of the Penal Code, both relating to criminal prosecutions against corporations.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 871—An Act to amend Sections 1427 and 1446 of the Penal Code, and to add a new section thereto, to be numbered 1425, all relating to proceedings in justices' and police courts.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 872—An Act to amend Section 1475 of the Penal Code, relating to the writ of habeas corpus.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 873—An Act to amend Sections 1510, 1512, 1513, and 1515 of the Penal Code, and to add new sections thereto, to be numbered 1511a, 1511b, 1514a, 1520, and 1521, all relating to coroners.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 874—An Act to amend Section 1541 of the Penal Code, relating to search warrants.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 875—An Act to add a new section to the Penal Code, to be numbered 1541a, relating to rewards.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 876—An Act to repeal Title I of Part III of the Penal Code, relating to State prisons.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 877—An Act to amend Sections 1603 and 1605 of the Penal Code, and to add a new section thereto, to be numbered 1615, all relating to county jails.

Bill read first time, and ordered on file without reference to committee.

By Senator Corlett (by request): Senate Bill No. 878—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 332½, relating to slot machines.

Bill read first time, and referred to Committee on Public Morals.

Also (by request): Senate Bill No. 879—An Act to prohibit the use of card machines played for drinks or cigars.

Bill read first time, and referred to Committee on Public Morals.

Also (by request): Senate Bill No. 880—An Act to add a new section to the Penal Code, to be known as and numbered 578½, relating to dealing in options, and repealing all Acts and parts of Acts in conflict herewith, and providing a penalty for the violation of the provisions thereof.

Bill read first time, and referred to Committee on Public Morals.

RECESS.

At twelve o'clock and thirty minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Luchsinger, Muentzer, Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, and Wolfe—27.

SPECIAL FILE—ASSEMBLY BILLS.

Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

On motion of Senator Shortridge, passed on file, to retain place.

Assembly Bill No. 382—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

On motion of Senator Lukens, passed on file, to retain place.

Assembly Bill No. 44—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, and ordered on file for third reading.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution by adding thereto a section, to be numbered Section 21, and relating to appointments, transfers, promotions, and removals of officers and employes of the State, its cities and political subdivisions.

On motion of Senator Lukens, passed on file, to retain place.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 17.

A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State of California by adding a new section thereto, to be numbered Section 10½, in relation to revenue and taxation.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its regular session commencing on the fifth day of January, Anno Domini one thousand nine hundred and three, two-thirds of the members elected to each of the two houses voting in favor thereof, hereby propose that Article XIII of the Constitution of the State of California be amended by adding a new section thereto, to be numbered Section 10½, to read as follows:

Section 10½. The personal property of every householder to the amount of two hundred dollars, the articles to be selected by each householder, shall be exempt from taxation.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 17 adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Wolfe—29.

NOES—None.

Constitutional amendment ordered transmitted to the Assembly.

Assembly Bill No. 394—An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 394 finally passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Oneal, Pendleton, Ralston, Rowell, Savage, Selva, and Ward—22.

NOES—Senators Emmons, Nelson, Shortridge, Tyrrell of San Francisco, Williams, and Wolfe—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 334—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

On motion of Senator Leavitt, passed on file, to retain place.

Assembly Bill No. 539—An Act making an appropriation to pay the deficiency in the appropriation for postage, expressage, and telegraphing, Adjutant-General's office, for the fifty-third fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 539 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Tyrrell of San Francisco, Ward, Williams, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 652—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes.

On motion of Senator Selvage, passed on file, to retain place.

Assembly Bill No. 653—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes.

On motion of Senator Selvage, passed on file, to retain place.

Assembly Joint Resolution No. 8—Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States, calling for the election of United States Senators by the direct vote of the people.

Joint resolution read.

Senator Leavitt moved that the time for consideration of Assembly bills be extended fifteen minutes.

Motion carried.

The question being on the adoption of the joint resolution.

The roll was called.

CALL OF THE SENATE REFUSED.

Pending the announcement of the vote, Senator Sanford moved a call of the Senate.

The question being on the motion for a call of the Senate.

The ayes and noes were demanded by Senators Sanford, Oneal, and Emmons.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bunkers, Curtin, Devlin, Diggs, Emmons, French, Knowland, Leavitt, Luchsinger, Muentner, Oneal, Plunkett, Sanford, Savage, Tyrrell of San Francisco, and Wolfe—16.

NOES—Senators Belshaw, Coggins, Corlett, Flint, Greenwell, Hahn, Hubbell, Lardner, Lukens, Nelson, Pendleton, Ralston, Rowell, Selvage, Shortridge, Smith, Ward, and Williams—18.

Whereupon the President pro tem. declared Assembly Joint Resolution No. 8 refused adoption by the following vote:

AYES—Senators Belshaw, Bunkers, Curtin, Devlin, Diggs, Emmons, French, Knowland, Leavitt, Luchsinger, Oneal, Plunkett, Savage, Tyrrell of San Francisco, Williams, and Wolfe—16.

NOES—Senators Coggins, Corlett, Flint, Greenwell, Hahn, Hubbell, Lardner, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, and Ward—17.

NOTICE OF MOTION TO RECONSIDER.

Senator Sanford gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Joint Resolution No. 8 was this day refused adoption.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bills Nos. 304 and 314 having been made a special order for this hour, the same were taken up.

Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Read third time on a previous day.

The following amendments were pending:

Senator Lukens moved to refer to Senator Hubbell, as a special committee of one, to amend as follows:

By striking out of section one, in line nine et seq., the words "in the course of the employer's business," etc., down to and including the words "performance of his work" in line eleven of said section, and inserting the following: "the negligence causing the injury was committed in the performance of a duty the employer owes to the employé."

Senator Belshaw moved to amend the instructions as follows:

By striking out of section one, line ten, the words "has the power of ordering or directing," and inserting the following: "is acting in the capacity of superintendent or foreman over."

The question being on the motion to amend the instructions.

The same was lost.

Senator Devlin moved to amend the instructions as follows:

Amend by striking out all of section one, and inserting in lieu thereof the following: Section 1970. An employer is not bound to indemnify his employé for losses suffered by the latter in consequence of the ordinary risks of the business in which he is employed, nor in consequence of the negligence of another person employed by the same employer in the same general business unless such other person is a vice-principal of the employer. A vice-principal is one whom the employer selects to perform for him any of the following duties: The furnishing of a reasonably safe place for doing the work, reasonably safe tools and appliances for the accomplishment of the work, the exercise of proper diligence in the employment of reasonably safe and competent men, or the adoption and promulgation of safe and proper rules for the conduct of the business. The fact that one employé is superior in authority to another does not have the effect of changing his relation as a fellow-employé, where he is not a vice-principal. The mere fact that the function of one is to exercise supervision and control over some work undertaken by the employer which requires supervision and over subordinate employé engaged in that work, and where the other is not vested by the employer with any such power of direction or management, does not constitute such supervising employé a vice-principal. In order to constitute a superior employé a vice-principal, he must be one who is clothed with the control and management of a distinct department and not a mere separate piece of work in one of the branches of service in departments. When the business of the employer is of such great and diversified extent that it naturally and necessarily separates itself into departments of service, the individuals placed by the employer in charge of these separate branches and departments of service, and given entire and absolute control therein, are vice-principals. The negligence of the vice-principal must be the proximate cause of the injury, and the injured employé must be free from negligence, the employer is also bound to indemnify the injured employé if the former has neglected to use ordinary care in the selection of the culpable employé.

The question being on the motion to amend the instructions.

The ayes and noes were demanded by Senators Leavitt, Lardner, and Emmons.

The roll was called, and the motion lost by the following vote:

AYES—Senators Belshaw, Coggins, Devlin, Diggs, Flint, Knowland, Lardner, Ralston, Rowell, Savage, and Selvage—11.

NOES—Senators Bunkers, Curtin, Emmons, French, Greenwell, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Sanford, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, and Wolfe—22.

Senator Selvage moved to amend the instructions as follows:

Amend by striking out of section one, line eight, page one, after the words "in the," the words "same general business unless in the course of the employer's business such other person has the power of ordering or directing said injured employé, in the performance of his work, or" and in lieu thereof insert the following: "in the particular branch of the business in which he is employed."

The President pro tem. held that the amendment to the instructions offered by Senator Selvage was out of order, as it was essentially the same as the amendments already voted upon and lost.

The question being on the motion of Senator Lukens to refer to Senator Hubbell, as a special committee of one, to amend.

The roll was called.

CALL OF THE SENATE REFUSED.

Pending the announcement of the vote, Senator Lukens moved a call of the Senate.

The question being on the motion for a call of the Senate.

The ayes and noes were demanded by Senators Lukens, Tyrrell of San Francisco, and Leavitt.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bunkers, Curtin, Emmons, French, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Plunkett, Sanford, Tyrrell of San Francisco, and Wolfe—14.

NOES—Senators Belshaw, Coggins, Corlett, Devlin, Diggs, Flint, Greenwell, Hahn, Knowland, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Ward, and Williams—19.

Whereupon the President pro tem. declared the motion to refer to a special committee of one lost by the following vote:

AYES—Senators Bunkers, Curtin, Emmons, French, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Plunkett, Rowell, Sanford, Tyrrell of San Francisco, and Wolfe—14.

NOES—Senators Belshaw, Coggins, Corlett, Devlin, Diggs, Flint, Greenwell, Hahn, Knowland, Lukens, Nelson, Oneal, Pendleton, Ralston, Savage, Selvage, Shortridge, Smith, Ward, and Williams—20.

Senator Selvage moved to refer to Senator Lardner, as a special committee of one, to amend as follows:

Amend by striking out of section one, line eight, page one, after the words "in the," the words "same general business unless in the course of the employer's business such other person has the power of ordering or directing said injured employé in the performance of his work, or in the particular branch of the business in which he is employed."

The President pro tem. held that the motion was out of order, as it was the same amendment already offered and lost.

Senator Lukens moved that the further consideration of Senate Bill No. 304 be postponed until Tuesday, February 24, 1903, immediately after the consideration of the special file of Assembly bills.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 304 refused passage by the following vote:

AYES—Senators Bunkers, Emmons, French, Hubbell, Leavitt, Lukens, Muentner, Plunkett, Sanford, Selvage, Tyrrell of San Francisco, Ward, and Wolfe—13.

NOES—Senators Belshaw, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Hahn, Knowland, Lardner, Luchsinger, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Shortridge, Smith, and Williams—21.

NOTICE OF MOTION TO RECONSIDER.

Senator Luchsinger gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 304 was this day refused passage.

Senate Bill No. 314—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employés.

Senator Lukens moved that the further consideration of Senate Bill No. 314 be postponed until immediately after the consideration of the special file of Assembly bills on February 24, 1903.

Motion carried.

BILLS RECALLED FROM COMMITTEES.

Senator Belshaw moved that Assembly Bill No. 103—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin—be recalled from Committee on Prisons and Reformatories, and ordered on file.

Motion carried.

Senator Knowland moved that Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property—be recalled from enrollment for the purpose of amendment.

Motion carried.

CONSIDERATION OF MOTION TO RECONSIDER POSTPONED.

Senator Lukens asked unanimous consent to postpone until next legislative day the consideration of his motion to reconsider the vote whereby Senate Bill No. 281—An Act to add a new section to the Code of Civil Procedure, to be numbered 635, relating to trials of questions of fact by the court—was passed, motion having been made on a previous day.

Unanimous consent granted, and further consideration of motion to reconsider postponed until Tuesday, February 24, 1903.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 23, 1903.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 522—An Act to amend the Penal Code of the State of California, by adding one new section to Title X thereof, relative to public nuisance, said section to be numbered 370½—have had the same under consideration, and respectfully report the same back, and recommend that said bill do not pass.

JOHN G. TYRRELL, Chairman.

Senate Bill No. 522 ordered on file.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 23, 1903.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 616—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, and to the increase or diminution of the capital stock of

corporations, and to the creation or increase of bonded indebtedness of corporations, and to the creation or increase of a consolidated bonded indebtedness by two or more corporations—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

ONEAL, Chairman.

Senate Bill No. 616 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 23, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was re-referred Senate Bill No. 39—An Act to appropriate the sum of \$4,150 to pay claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DEVLIN, Chairman.

Senate Bill No. 39 ordered on file.

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 20, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of John R. Tyrrell for the sum of \$167.40, to pay the actual expenses incurred by the committee appointed under the following resolution, adopted by the Senate February 4, 1903:

Resolved, That Senators Tyrrell, Williams, and Bunkers of the Committee on Prisons and Reformatories, Senators Muentner, Nelson, and Selvage of the Committee on Finance, and Senators Savage and Coggins, be and they are hereby granted leave of absence for one day for the purpose of visiting the State Prisons at Folsom and San Quentin, in order that the needs of these institutions may be inquired into and reported upon to the Senate, and that they be allowed their actual expenses.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Knowland, Leavitt, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Smith, Tyrrell of San Francisco, Ward, Williams, and Wolfe—23.

NOES—None.

BILLS RECALLED FROM ENGROSSMENT FOR PURPOSE OF AMENDMENT.

Senator Curtin moved that Senate Bill No. 267—An Act to appropriate the sum of \$290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901—and Senate Bill No. 268—An Act to appropriate the sum of one thousand dollars to pay the claim of M. Zirker for money due and owing the said M. Zirker, based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, A. D. 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under

an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901—be recalled from engrossment for the purpose of amendment.

Motion carried.

Senator Ralston moved that Senate Bill No. 299—An Act making an appropriation to pay the judgment of \$1,125 rendered in and by the Superior Court of the State of California, in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, vs. The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book "3" of Judgments of the Superior Court of Calaveras County, page 333—be recalled from Committee on Engrossment and Enrollment for the purpose of amendment.

Motion carried.

SPECIAL ORDER RESET.

On motion of Senator Devlin, the consideration of Senate Constitutional Amendment No. 16—Submitting to the people of the State of California an amendment to the Constitution amending Section 1, Article XX, of the Constitution of the State of California, relative to the seat of government of said State, and the manner of changing the same—which was set for Tuesday-evening, February 24, 1903, at eight o'clock, was reset for Thursday, February 26, 1903, and made a special order for that date and hour.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Oneal:

Resolved, That the sum of \$200 is hereby appropriated from the Contingent Fund of the Senate for the purpose of purchasing boxes, packing, marking and expressing all papers and documents belonging to the Senators to their places of residence at the close of the session. The Controller of the State is hereby authorized to draw his warrant in favor of J. Louis Martin, Sergeant-at-Arms of the Senate, for the above amount, and the Treasurer directed to pay the same.

Resolution read and referred to Committee on Contingent Expenses and Mileage.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Lukens, the following messages from the Governor were taken up and read, and ordered printed in the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 23, 1903. }

To the Senate of the State of California:

I have the honor herewith to transmit for your information a copy of a dispatch which has been received from Surgeon-General Wyman of the Public Health and Marine Hospital Service of the United States Government.

As you will observe, this dispatch shows that the United States authorities believe the health conditions in San Francisco are now satisfactory, and they have proceeded to communicate a knowledge of the actual situation to the governments of countries which, under a misapprehension, had established quarantines against ships sailing from that port.

The showing thus made is one which the people of California can regard with considerable satisfaction, and I believe that the policy of co-operation between the Federal, State, and Municipal governments is being justified by results.

GEORGE C. PARDEE,
Governor of California.

COPY OF DISPATCH FROM SURGEON-GENERAL.

WASHINGTON, D. C., February 22, 1903.

GOVERNOR PARDEE, *Sacramento, Cal.*:

Replying to inquiry, I have to say that no case of plague has been discovered in San Francisco since December 11th, nearly two months and a half ago, and then only one case. Official reports show that the National, State, and City authorities are now working in thorough harmony under the leadership of the Federal officers; that searching inspections are being made daily in Chinatown, and proper sanitary measures are being rigidly enforced, including radical measures for the destruction of rats. Bacteriological examinations of captured rats are being made daily, and the last infected rat was found on December 8th, since which time bacteriological examinations have been made of three hundred and twenty-four dead rats and none found infected.

The State Department was requested last week to notify the Governments of Mexico and Ecuador of the satisfactory conditions now prevailing, and which have prevailed for some time at San Francisco, and doubtless this has been done, and the above facts have been moreover communicated to the International Union of American Republics.

WALTER WYMAN,

Surgeon-General U. S. Public Health and Marine Hospital Service.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, February 23, 1903.*To the Senate of the State of California :*

I have the honor to inform your honorable body that I have approved Senate Bill No. 15—An Act to create and establish two new reclamation districts.

Also: Senate Bill No. 107—An Act to amend Sections 1203 and 1215 of the Penal Code, relating to the probation of persons arrested for crime.

Also: Senate Bill No. 108—An Act to add a new section to the Code of Civil Procedure, relating to the powers and duties of courts in the appointment of probation officers.

GEO. C. PARDEE,

Governor of the State of California.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Committee on Commissions, Retrenchment, and Reform: Senate Bill No. 881—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary and stenographer, and to appropriate money therefor," as approved March 28, 1895.

Bill read first time, and ordered on file without reference to committee.

By Senator Hubbell: Senate Bill No. 882—An Act to add a new section to the Political Code of the State of California, to be known as Section 460, relating to the office of the Treasurer of State.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 883—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

Bill read first time, and referred to Committee on Agriculture and Dairying.

By Senator Tyrrell of San Francisco: Senate Bill No. 884—An Act regulating the rates to be charged by any person, firm, company, or

corporation for transportation in or upon any sleeping car operated over or upon or under the management of any railroad within this State.

Bill read first time, and referred to Committee on Public Morals.

By Senator Nelson: Senate Bill No. 885—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fifth session.

Bill read first time, and referred to Committee on Finance.

By Senator Belshaw: Senate Bill No. 886—An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, or upon any chance, casualty, or uncertain or contingent event, and the maintaining of places wherein poolselling or bookmaking is carried on, except when said pools are sold or said bookmaking is carried on within the race-track, enclosure, fair grounds, or buildings wherein such trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, shall be had and occur, and upon the days when such trials or contests actually occur or are had, and to provide a punishment for the violation of this Act.

Bill read first time, and referred to Committee on Public Morals.

By Senator Savage: Senate Bill No. 887—An Act to amend Sections 3, 4, and 6 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State of California," which Act became a law under the provisions of the Constitution, without the Governor's approval.

Bill read first time, and referred to Committee on Municipal Corporations.

Also: Senate Bill No. 888—An Act to amend Sections 3790, 3793, 3808, 3820, 3821, 3823, 3826, 3829, 3831, 3840, 3841, 3845, 3846, 3851, 3853, 3854, 3857, 3858, 3860, and 3862, all relating to revenue and taxation.

Bill read first time, and referred to Committee on Judiciary.

By Senator Coggins: Senate Bill No. 889—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Senator Emmons: Senate Bill No. 890—An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed or power of endurance of, by, or between men, animals or machines, or upon any chance, casualty or uncertain or contingent event, and the maintaining of places wherein poolselling or bookmaking is carried on, except when said pools are sold or said bookmaking is carried on within the race-track, enclosure, fair grounds or buildings, wherein such trial or contest of skill, speed or power of endurance, of, by, or between men, animals or machines, shall be had and occur, and upon the days when such trials or contests actually occur or are had, and to provide a punishment for the violation of this Act.

Bill read first time, and referred to Committee on Public Morals.

Also: Senate Bill No. 891—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 892—An Act to amend Section 4119 of the Political Code, relating to the residence of certain county officers.

Bill read first time, and referred to Committee on Judiciary.

By Senator Oneal: Senate Bill No. 893—An Act to enforce the educational rights of children, and providing penalties for the violation of the Act.

Bill read first time, and referred to Committee on Education.

By Senator Sanford (by request): Senate Bill No. 894—An Act amending Section 338 of the Political Code, to be numbered 338½, relating to the time within which certain actions may be commenced.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Constitutional Amendment No. 23—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California by amending Section 14 of Article XII thereof, relating to corporations.

Referred to Committee on Constitutional Amendments.

By Senator Williams: Senate Bill No. 895—An Act to appropriate money to pay the claim of C. S. MacMullan.

Bill read first time, and referred to Committee on Finance.

By Senator Lardner: Senate Bill No. 896—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners.

Bill read first time, and referred to San Francisco Delegation.

By Senator Lukens: Senate Bill No. 897—An Act authorizing the Board of Directors of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California to sell and convey a portion of the lands thereof for the purpose of straightening the boundary line of adjacent property and providing for the disposition of the selling price.

Bill read first time, and referred to Committee on Judiciary.

By Senator Selva: Senate Bill No. 898—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Bill read first time, and referred to Committee on Labor and Capital.

By Senator Pendleton: Senate Bill No. 899—An Act amending the Civil Code of the State of California, by adding thereto a new section, numbered 605, authorizing corporations now or hereafter organized for purposes other than profit to consolidate their debts, property, assets, and franchises, with any other like association or corporation, either created under the laws of the State of California or under the laws of any other State or Territory.

Bill read first time, and referred to Committee on Corporations.

By Senator Pendleton: Senate Bill No. 900—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and relating to disclosures confidentially made to the officers of the corporations named in said Act, and authorized to discharge the duties therein provided for.

Bill read first time, and referred to Committee on Judiciary.

By Senator Flint: Senate Bill No. 901—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 173 thereof.

Bill read first time, and referred to Committee on County Government.

RECESS.

At five o'clock and thirty minutes P. M., on motion of Senator Belshaw, the President pro tem. declared the Senate at recess until seven o'clock and forty-five minutes P. M. of this day.

RECONVENED.

At seven o'clock and forty-five minutes P. M., the Senate reconvened. Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

MOTION.

Senator Belshaw moved that a committee of two be appointed to notify Governor George C. Pardee that the Senate awaited his pleasure to proceed to the Assembly chamber to participate in the joint exercises commemorative of the birthday of George Washington.

Motion carried.

APPOINTMENT OF COMMITTEE.

The President announced that, in accordance with the above motion, he would appoint Senators Belshaw and Leavitt as such committee.

Senators Belshaw and Leavitt thereupon proceeded to the office of the Governor and notified him of the action of the Senate.

Whereupon the Governor accompanied Senators Belshaw and Leavitt to the Senate chamber.

RECESS.

Upon the announcement of the arrival of the Governor.

At eight o'clock P. M., on motion of Senator Leavitt, the Senate was declared at recess until the close of the exercises in the Assembly chamber.

RECONVENED.

At ten o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

ADJOURNMENT.

At ten o'clock and five minutes P. M., on motion of Senator Curtin, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, February 24, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch Williams, and Woodward—38.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, February 23, 1903, the further reading was dispensed with, on motion of Senator Corlett.

LEAVE OF ABSENCE.

Senator Tyrrell of Nevada was, on motion of Senator Belshaw, granted leave of absence for the day.

PETITIONS.

The President laid before the Senate the following communications, which were ordered printed in the Journal:

GRASS VALLEY, CAL., February 23, 1903.

To MR. ALDEN ANDERSON, *President Senate, California*:

DEAR SIR: I am instructed to inform you that this union unanimously indorsed the bill introduced by Mr. Murphy of San Francisco, known as the "eight-hour bill." This bill, in our estimation, being proper and just, as the conditions of mining at this time are bad, as so much powder is used, and the air is nearly all compressed, therefore the life of a miner is a short one as he has to labor against all the above conditions, including danger in underground work of all kinds. I remain,

Respectfully yours,

T. R. EDWARDS, Recording Secretary.

Grass Valley Miners' Union, No. 90.

GRASS VALLEY, CAL., February 23, 1903.

To MR. ALDEN ANDERSON, *President Senate of California*:

DEAR SIR: I am instructed by this Union to inform you that at our last regular meeting this Union voted unanimously to indorse the bills termed the liability bills, relating to the rights of employes, Nos. 304 and 314, by Senators Luchsinger and Lukens, respectively.

Hoping you will give this important matter your earnest consideration. The bills extending to us as workmen some protection in case of carelessness of employers are proper and just, and are heartily indorsed by members of this Union. I remain,

Yours respectfully,

T. R. EDWARDS, Recording Secretary.

Grass Valley Miners' Union, No. 90.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 513—An Act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.

Also: Senate Bill No. 349—An Act to pay the claim of H. W. Sitton, and to make an appropriation therefor, for \$1,856.78, on bond of the State of California, number 592, issued July 9, 1858.

Also: Senate Bill No. 88—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Also: Senate Bill No. 168—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Senate Bills Nos. 513, 349, 88, and 168 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 293—An Act to amend Section 383 of the Penal Code of the State of California, relating to the adulteration and dilution of articles of food, drink, drugs, medicines, spirituous or malt liquors or wine, or any article useful in compounding them, and providing punishment for the same.

Also: Assembly Bill No. 261—An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities.

Also: Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1891, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Also: Assembly Bill No. 485—An Act to repeal Section 772 of the Penal Code of the State of California.

Also: Assembly Bill No. 643—An Act making an appropriation to pay the claim of A. W. North against the State of California.

Also: Assembly Bill No. 521—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3898a, relating to proceedings for the transfer to the Regents of the University of California of certain public lands acquired by tax sales.

Also: Assembly Bill No. 592—An Act to amend Section 800 of the Political Code, relating to the qualifications of notaries public.

Also: Assembly Bill No. 378—An Act to amend Section 74, relating to the duties of persons solemnizing marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Also: Assembly Bill No. 26—An Act to amend Section 1596 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to election of School Trustees.

Also: Assembly Bill No. 137—An Act entitled an Act to appropriate the sum of \$211.61 to pay the claim of B. A. Johnson for supplies furnished the National Guard of California during the month of July, 1894.

Also: Assembly Bill No. 38—An Act appropriating \$300 to pay the reward of C. W. King for the arrest of "Indian Dick Hutchings," sometimes called "Indian Dick," for the murder of "Tyner Bill."

Also: Assembly Bill No. 537—An Act to amend Section 501 of the Civil Code of the State of California.

Also: Assembly Bill No. 591—An Act to amend the Civil Code by adding thereto a new section, to be numbered 300a, relating to corporations.

Also: Assembly Bill No. 593—An Act to amend Sections 291 and 293 of the Civil Code, relating to the formation of corporations.

Also: Assembly Bill No. 319—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such commission, and authorizing the employment of agents, clerks, and other employes, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employes.

CLIO LLOYD, Chief Clerk.
By T. W. HEATHERLY, Assistant.

Assembly Bill No. 293 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 261 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 411 read first time, and referred to Committee on County Government.

Assembly Bill No. 485 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 643 read first time, and, on motion of Senator Leavitt, ordered on file without reference to committee.

Assembly Bill No. 521 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 592 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 378 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 26 read first time, and referred to Committee on Education.

Assembly Bill No. 137 read first time, and referred to Committee on Finance.

Assembly Bill No. 38 read first time, and referred to Committee on Finance.

Assembly Bill No. 537 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 591 read first time, and referred to Committee on Corporations.

Assembly Bill No. 593 read first time, and referred to Committee on Corporations.

Assembly Bill No. 319 read first time, and referred to Committee on Commissions, Retrenchment and Reform.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 21, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 313—An Act to amend Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection and to direct the disposition of its proceeds," approved March 23, 1893,' approved March 9, 1897," which became a law March 14, 1899.

Also: Assembly Bill No. 768—An Act to amend Section 1375 of the Political Code, relating to primary elections.

Also: Assembly Bill No. 685—An Act making an appropriation of \$500 for the purpose of carpeting, repairing, and repainting furniture in and furnishing the office of the Clerk of the Supreme Court in the City and County of San Francisco, State of California.

Also: Assembly Bill No. 811—An Act to provide for the preservation, improvement, and maintenance of the California Redwood Park, in Santa Cruz County, and making an appropriation therefor.

Also: Assembly Bill No. 582—An Act to re-enact Section 681 of the Political Code, relating to the duties of clerks of Boards of Supervisors, Trustees, Common Council, or other governing board or body of a county, city and county, city, or town, or school district in this State, upon the issuance and sale of bonds for any purpose, and decreeing that the State shall not be required to file a certified check, bond, or other assurance in law upon its application to purchase.

Also: Assembly Bill No. 535—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works, or work done for the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Assembly Bill No. 313 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 768 read first time, and referred to Committee on Elections and Election Laws.

Assembly Bill No. 685 read first time, and referred to Committee on Finance.

Assembly Bill No. 811 read first time, and referred to Committee on Finance.

Assembly Bill No. 582 read first time, and referred to Committee on County Government.

Assembly Bill No. 535 read first time, and, on motion of Senator Leavitt, ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 36—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Adopted Senate Joint Resolution No. 8—Resolution relating to the purchasing and making free by the United States Government of the toll roads over the Yosemite National Park, in the State of California.

Also: Assembly Joint Resolution No. 10—Relative to the claim of Jessie Benton Fremont's heirs to compensation for property taken by the United States for public purposes in 1863.

Also: Passed Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Senate Joint Resolution No. 8 ordered to enrollment.

Assembly Joint Resolution No. 10 referred to Committee on Federal Relations.

Assembly Bill No. 75 read first time, and referred to Committee on Irrigation.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 36?"

ASSEMBLY AMENDMENTS.

Amend by striking out the words "and in the exercise of the powers herein granted to expend the revenues of the municipality," in lines thirty and thirty-one, section four, second page, printed bill, and inserting in lieu thereof the following: "and in the exercise of the powers herein granted to expend, in their discretion, the ordinary annual income and revenue of the municipality in payment of the costs and expenses of the whole or any part of such work or improvement."

Also: Amend by inserting the word "oil" after the word "sprinkle" in line twenty-three, section four, second page, printed bill.

The roll was called, and the Assembly amendments to Senate Bill No. 36 concurred in by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, French, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Ralston, Rowell, Sanford, Savage, Ward, Williams, and Woodward—23.
NOES—None.

Senate Bill No. 36 ordered to enrollment.

BILLS RECALLED FROM ENGROSSMENT AND CORRECTED.

Senate Bill No. 267—An Act to appropriate the sum of \$290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Bill having been recalled from engrossment for the purpose of correction.

Senator Curtin moved to direct the Secretary to correct as follows:

Correct Senate committee amendment by having the amendment read after the figures "1901," in line thirteen, the committee amendment, instead of the word "one," in line fifteen.

Motion carried and bill corrected.

Bill ordered to print and engrossment.

Also:

Senate Bill No. 268—An Act to appropriate the sum of \$1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker, based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, A. D. 1902, under the provisions of an Act of the

Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Bill having been recalled from engrossment for the purpose of correction. Senator Curtin moved to direct the Secretary to correct as follows:

Correct the committee amendment to Senate Bill No. 268 by adding after the figures "1901," in line thirteen, the committee amendment as already adopted.

Motion carried and bill corrected.

Bill ordered to print and engrossment.

Also:

Senate Bill No. 299—An Act making an appropriation to pay the judgment of \$1,125 rendered in and by the Superior Court of the State of California, in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, vs. The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court in Judgment Book "3" of judgments of the Superior Court of Calaveras County, page 333.

Bill having been recalled from engrossment for the purpose of correction.

Senator Ralston moved to direct the Secretary to correct as follows:

Correct the original Senate committee amendment by changing the word "one" to the figures "333," and changing the figures "15" to "14."

Motion carried and bill corrected.

Bill ordered to print and engrossment.

RESOLUTIONS.

The following resolutions were offered:

By Senator Leavitt:

Resolved, That the name of William M. Owens be substituted on the payroll in place and stead of Howard Le Fort, as Committee Clerk, at the per diem of four (4) dollars; said substitution to take effect this day, and the Controller is hereby directed to draw his warrant in favor of said William M. Owens for any money that may be due said Howard Le Fort.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Rowell, Sanford, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—24.

NOES—None.

By Senator Woodward:

Resolved, That the Secretary of Senate be and he is hereby authorized and instructed to substitute the name of L. L. Woodward on the payroll as Committee Clerk for the name of M. G. Hall, and the Controller is hereby directed to draw his warrant in favor of the said L. L. Woodward for any moneys now due the said M. G. Hall.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, French, Greenwell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Rowell, Sanford, Selva, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—27.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Senate Bill No. 523—An Act to amend Section 1095 of the Political Code of the State of California, relating to the registration of voters.

Also: Assembly Bill No. 675—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

Also: Assembly Bill No. 499—An Act to amend Section 1359 of the Political Code of the State of California, relating to primary elections.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 524—An Act to amend an Act entitled "An Act in relation to municipal elections, where the same are held separate from general State elections, and elections held under authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled an Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution, approved March 31, 1897," approved March 4, 1899, by amending Sections 5, 7, and 8 thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 586—An Act to amend Section 1375 of the Political Code, relating to primary elections.

Also: Senate Bill No. 364—An Act to prescribe method of electing Boards of Education in cities controlled by charters other than those controlled by the city and county government.

Have had the same under consideration, and respectfully report the same back without recommendation.

BELSHAW, Chairman.

Senate Bills Nos. 523, 524, 586, and 364, and Assembly Bills Nos. 675 and 499, ordered on file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 620—An Act to amend Section 22 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes, the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds and the disposal of their proceeds—have had the same under consideration, and respectfully report the same back, and recommend that it be withdrawn by author.

Also: Assembly Bill 262—An Act to amend Section 22 of an Act entitled "An Act to provide for the formation, government, operation and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby, the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds"—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BAUER, Chairman.

Senate Bill No. 620 recommended to be withdrawn by the author.

Assembly Bill No. 262 ordered on file.

ON COMMISSIONS, RETRENCHMENT, AND REFORM.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your Committee on Commissions, Retrenchment, and Reform, to whom was referred Senate Bill No. 658—An Act granting a bounty for the destruction of coyotes—have had the same under consideration, and respectfully report the same back, and recommend that the author be permitted to withdraw same.

Also: Senate Bill No. 598—An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SMITH, Chairman.

Senate Bill No. 658 recommended to be withdrawn by the author.
Senate Bill No. 598 ordered on file.

WITHDRAWAL OF BILL.

Senator Muentner asked for and was granted unanimous consent to withdraw Senate Bill No. 658—An Act granting a bounty for the destruction of coyotes.

Consent granted, bill withdrawn, and ordered stricken from the file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 405—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in municipalities and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 11, 1901.

Senate Bill No. 9—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulations thereof," approved March 29, 1897.

Senate Bill No. 355—An Act providing for the relief of J. H. Sawtell, directing the Board of Trustees of the City of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of \$1,130, and interest thereon, and to audit the demand therefor; and directing the President of the said Board of Trustees of said city to issue his warrant for said sum of money, and the City Clerk of said city to countersign said warrant; and the Treasurer of said city to pay said warrant.

Senate Bill No. 272—An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities," approved March 18, 1885, relating to sewers.

Senate Bill No. 67—An Act directing the Sutter's Fort Trustees to make the necessary repairs and improvements to preserve the monument of James W. Marshall at Coloma, to pipe water on the grounds, and to improve the grounds surrounding the same, and making an appropriation therefor.

Senate Bill No. 204—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers, or warehousemen.

And report that the same have been correctly enrolled, and presented the same to the Governor on this twenty-fourth day of February, 1903, at eleven o'clock and forty-five minutes A. M.

HUBBELL, Chairman.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Senate Bill No. 94—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes in the State of California.

On motion of Senator Lukens, passed on file, to retain place.

Senate Bill No. 72—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

On motion of Senator Lukens, passed on file, to retain place.

Senate Bill No. 92—An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, by adding thereto four new sections, numbered 18, 19, 20, and 21, all relating to the sanitary condition of barber shops and barber schools and the regulation thereof.

On motion of Senator Pendleton, passed on file, to retain place.

Senate Bill No. 215—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901.

On motion of Senator Belshaw, passed on file, to retain place.

Senate Bill No. 269—An Act regulating the furnishing of light or power to incorporated cities, manner for payment for the same, and penalty for violation of the provisions of said Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 269 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Diggs, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selva, Smith, Ward, and Woodward—26.
NOES—Senators Byrnes, Devlin, Emmons, Oneal, and Plunkett—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Hubbell gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 269 was this day passed.

Senate Bill No. 369—An Act to establish a uniform system to enable towns or municipalities of certain classes or districts to form water districts.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 369 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Savage, Selva, Shortridge, Tyrell of San Francisco, Ward, and Williams—29.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 53—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

On motion of Senator Belshaw, passed on file, to retain place.

At eleven o'clock A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senate Bill No. 425—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

Read third time.

Senator Knowland moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

By striking out all of section one and inserting the following:

"Within ten days after the passage of this Act the Governor shall appoint, by and with the advice and consent of the Senate, four competent persons, one of whom shall be an expert of accounts, to be styled Bank Commissioners; and the Governor shall designate, at the time of such appointment, their respective terms of office in accordance with the following classification, viz.: Two of said commissioners shall serve for two years, and two for four years. Their successors shall be appointed by the Governor and hold their office for the term of four years and until their successors are appointed and qualified. Should a vacancy occur either by death, removal from the State or otherwise, the Governor shall appoint his successor for the unexpired portion of his

term. The persons who are so appointed shall have no official connection with nor be in the employ of any savings bank, bank, banking company, or banking society, nor shall they, during their terms of office, own or be interested in the stock or other property thereof. Said commissioners shall have their office in the City of San Francisco."

Also: Strike out of section eight, lines one, two, three, four, five, six, and seven, the words "No savings bank shall receive the license in this Act provided for, unless at least fifty per cent of all its loans shall be secured by first mortgage, or other prior lien, upon real estate, situate within this State; such loans, at the date when made, hereafter, not to exceed sixty per cent of the market value of the security, except when made for the purpose of facilitating the sale of property owned by the corporation," and insert the following: "No savings bank shall lend to exceed sixty per cent of the market value of any piece of real estate to be taken as security, except for the purpose of facilitating the sale of property owned by the corporation."

Also: Amend by adding to section eleven, page nine of printed bill, the following: "The Bank Commissioners shall by a resolution entered upon its minutes, concurred in by at least three members, have power to employ legal counsel for any of the purposes mentioned in this section or to enforce any of the penalties prescribed by this Act, without the consent of the Attorney-General, the expense thereof to be a charge against the individual bank concerning which said services are required, and if more than one bank then pro rata among such banks."

Also: Strike out of section twenty-six all of lines one and two after the figures "26" and insert the following: "No funds, property, or assets in banking corporations shall be attached or levied upon before final judgment in any suit, action or proceeding."

Also: Strike out of section twenty-seven all of line one after the figures "27" and insert the following: "The commission hereby established shall be the legal successor of the Bank Commissioners created by the Act creating a Board of Bank Commissioners, approved March 30, 1878, and the Acts amendatory thereto, and shall be entitled to have and receive all the books, records and other property acquired by and belonging to the said Bank Commissioners, and shall be substituted for and continue in the stead and place of said Bank Commissioners all suits, actions and proceedings at law now pending wherein said Bank Commissioners are a party."

Also: Amend by adding a new section, to be numbered Section 28, to read as follows: "All Acts or parts of Acts in conflict with this Act are hereby repealed."

Also: Amend by adding a new section, to be numbered Section 29, to read as follows: "This Act shall take effect immediately."

The question being on the motion to appoint a special committee of one.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Devlin, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—20.

NOES—Senators Belshaw, Caldwell, Coggins, Corlett, Diggs, French, Muentner, Nelson, Pendleton, Savage, and Smith—11.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 425, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 123—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

On motion of Senator Sanford, passed on file, to retain place.

Senate Bill No. 263—An Act to appropriate the sum of \$40 to pay the claim of B. M. Poore for money due and owing to said B. M. Poore from the State of California.

On motion of Senator Smith, passed on file, to retain place.

Senate Bill No. 225—An Act to add a new section to the Penal Code, to be numbered —, relating to the regulation of the marketing, identifying, manufacturing, and sale of products of crude petroleum used for illuminating and fuel purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 225 passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Muentner, Nelson, Pendleton, Ralston, Rowell, Selvage, Shortridge, Smith, Ward, and Woodward—24.

NOES—Senators Bunkers, Flint, French, Greenwell, Leavitt, Plunkett, Savage, Tyrrell of San Francisco, Welch, and Williams—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Emmons gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 225 was this day passed.

Senate Bill No. 422—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class.

Read third time.

Senator Belshaw moved to refer¹ to Senator Caldwell, as a special committee of one, to amend as follows:

Amend by adding at the end of line twenty-two, section one, the following: "1½. A registration clerk to be appointed by the County Clerk and hold office during the pleasure of the County Clerk, at a salary of seventy-five dollars per month, payable out of the same fund and in the same manner as the salary of other county officers is paid."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 422, with instructions to amend, respectfully reports the same back, amended as per instructions.

CALDWELL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 386—An Act to amend Section 1791 of the Political Code of the State of California, relating to city, and city and county boards of examination.

On motion of Senator Welch, passed on file, to retain place.

Senate Bill No. 328—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 328 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Luchsinger, Muentner, Nelson, Pendleton, Ralston, Rowell, Savage, Selvage, Smith, Tyrrell of San Francisco, Welch, Williams, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 66—An Act to amend Section 103 of the Code of Civil Procedure, relating to Justices' Courts and Justices of the Peace.

On motion of Senator Knowland, passed on file, to retain place.

Senate Bill No. 430—An Act to amend Section 4161 of the Political Code, relating to public money in the hands of the County Treasurer.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 334—An Act to regulate the use of illuminating gas.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 437—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the government and management of State hospitals for the insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Read third time on a previous day.

Senator Woodward moved to refer to Senator Hubbell, as a special committee of one, to amend as follows:

On page twelve, Section 2151, line five, printed bill as amended February 18, 1903, insert the words "or inmates," after the word "patients."

Also: On page twelve, Section 2151, line nine, printed bill as amended February 18, 1903, after the word "therein," insert the following: "and subject to the said approval, the managers may employ a competent architect to prepare plans, specifications, or estimates of cost of proposed structures, and adopt such plans, specifications, or estimates, and after plans, specifications, or estimates of cost are so approved, may let contracts for erection of such buildings or making of such repairs, and may employ a competent architect to superintend the construction of such building or the making of such repairs."

Also: On page nineteen, Section 2158, lines four and five, printed bill as amended February 18, 1903, strike out the words "Glen Ellen State Hospital" and insert in lieu thereof the following: "Home for Feeble-Minded."

Also: On page twenty-four, Section 2166, line four, printed bill as amended February 18, 1903, amend by inserting the word "and" after the word "authorities."

Also: On page thirty-four, Section 2187, line twenty-two, printed bill as amended February 18, 1903, amend by inserting the words "be obtained" after the word "made."

Also: On page thirty-four, Section 2188, line one, printed bill as amended February 18, 1903, amend by inserting after the word "insane" the words "or incompetent."

Also: On page thirty-four, Section 2188, lines three, four, five, six, and seven, printed bill as amended February 18, 1903, amend by striking out the words "a relative or some friends in his behalf to the Superior Judge of the county in which the hospital is located, upon the return of such writ, the fact of his insanity must be inquired into and determined. The medical history of the patient" and inserting in lieu thereof, the following: "by such person, a relative or friend in his behalf to the Superior Judge of the county in which the hospital is located. Upon the return of such writ, the fact of his insanity or incompetency must be inquired into and determined. The medical history of such person."

Also: On page thirty-six, Section 2189, line sixty, printed bill as amended February 18, 1903, amend by striking out the words "for the insane."

Also: On page thirty-six, Section 2189, line seventy-five, printed bill as amended February 18, 1903, amend by inserting after the word "procedure" the following: The term "patient" as used in subdivisions one, two, three and six of this section shall be regarded as referring to and including "inmates of the home for feeble-minded."

Also: On page thirty-six, Section 2190, line one, printed bill as amended February 18, 1903, amend by inserting the words "or inmate" after the word "patient."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 437, with instructions to amend, respectfully reports the same back, amended as per instructions.

HUBBELL, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

At eleven o'clock and twenty-five minutes A. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

SECOND READING OF BILL—(OUT OF ORDER).

Senator Hubbell asked for and was granted unanimous consent to have Senate Bill No. 606 taken up for immediate consideration.

Senate Bill No. 606—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as Section 25½, relating to the powers of Boards of Supervisors to lay out, establish, improve, and maintain public boulevards.

During second reading of bill, the following amendment was offered:
By Senator Hubbell:

Amend by striking out of section one, line eight, page one, the words "to lay out, establish, improve," and all of lines nine and ten, and on page two all of lines eleven, twelve, and thirteen, and in lieu thereof insert the following: "To lay out, establish, and improve public boulevards and to incur a bonded indebtedness for any of such purposes; provided, that no such indebtedness shall be incurred for any of such purposes until after the question of the issue of bonds therefor shall have been submitted to the qualified electors of the county, at a special election called for that purpose, and two thirds of the electors of the county voting at such election shall have voted in favor of issuing such bonds. Said election to be called and held and said bonds, if authorized to be issued, sold and made payable in the manner and form prescribed by subdivision thirteen of section twenty-five of this Act. Said boards shall also have power to maintain public boulevards established and laid out under the provisions of this Act, and to make and enforce rules and regulations for the protection, management, control, and use of such boulevards."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 319—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

On motion of Senator Lukens, passed on file, to retain place.

Senate Bill No. 208—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

On motion of Senator Sanford, passed on file, to retain place.

Senate Bill No. 151—An Act to amend Sections 10 and 11 of an Act to provide for the organization and management of county fire insurance companies.

On motion of Senator Ralston, passed on file, to retain place.

Senate Bill No. 320—An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 320 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Diggs, Emmons, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Nelson, Pendleton, Plunkett, Ralston, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Pendleton moved that Senate Bill No. 319, previously passed on file this day, be taken up for the purpose of amendment.

Motion lost.

SENATE JOINT RESOLUTION No. 5.

Relative to Venezuela Affairs.

The People of the State of California, represented in the Senate and Assembly, concurring, do resolve as follows: That recent events on the American continent deserve our attention; and that

WHEREAS, It has been the rule of this American republic to refrain as far as possible from interfering with the governments of the Old World, in their so-called diplomatic troubles; and

WHEREAS, In observance of this national policy, we have seen a weak neighbor, with-out due cause, assailed and bullied; and

WHEREAS, The matter in dispute between our sister republic Venezuela and her creditors was in the process of an amicable settlement by means of a peaceful blockade and to submission of all matters to a tribunal of arbitration; and

WHEREAS, While matters were so pending a peaceful solution, an act of warfare was committed in the bombardment of Fort San Carlos in Venezuelan territory; and

WHEREAS, This first bombardment was again repeated by three war vessels of a foreign power upon the alleged reason that interior river trade was rendering said peaceable blockade useless; and

WHEREAS, We, as American citizens, believe and hold dear the truth that the Monroe doctrine is not an idle dream; therefore, be it

Resolved, That we, as citizens of the Republic of the United States represented in this Legislature, instruct our Senators and request our Representatives to request an explanation of this aggression, or if the same be refused, that we at once, as a people, place the Monroe doctrine beyond future possible doubt.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 5 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Devlin, Diggs, Emmons, French, Greenwell, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Oneal, Plunkett, Ralston, Sanford, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, and Williams—26.

NOES—Senators Caldwell, Curtin, Flint, Knowland, Lukens, Nelson, Rowell, Savage, and Woodward—9.

Joint resolution ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Leavitt gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 5 was this day adopted.

Senate Constitutional Amendment No. 3.—To propose to the people of the State of California an amendment to Article XI of the Constitution, providing for the framing and adoption of county government Acts by the voters.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Constitutional Amendment No. 3 lost by the following vote:

AYES—Senators Bunkers, Devlin, Muentner, Rowell, Sanford, Savage, and Williams—7.

NOES—Senators Bauer, Belshaw, Caldwell, Corlett, Diggs, Emmons, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Selvage, Smith, Ward, and Woodward—22.

NOTICE OF MOTION TO RECONSIDER.

Senator Emmons gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 3 was this day refused adoption.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 235—An Act to amend Section 737 of the Political Code, relating to the salaries of Superior Judges.

Read third time on a previous day.

Senator Diggs moved to refer to Senator Nelson, as a special committee of one, to amend as follows:

Strike out of section one, line seven, page one, the word "Yuba."

Strike out of line eight, section one, page one, the word "Butte."

Strike out of section one, line ten, amended bill, the word "Yolo."

Strike out of line seven, section one, page one, amended bill, the word "Sutter."

Insert in line thirteen, page one, section one, amended bill, after the word "Calaveras," the following: "Sutter, Yolo, Yuba, Butte."

Strike out of lines eight and nine the words "Monterey, San Luis Obispo," and in line fourteen, section one, the word "and," and insert in line fourteen, section one, page two, amended bill, after the words "San Diego," the words "Monterey and San Luis Obispo."

Strike out of section one, line eight, page one, the word "Colusa," and in line nine the word "Mendocino," and insert in line fourteen after the words "and Colusa," "Mendocino."

Amend by striking out of line six, section one, first page, printed bill, the word "San." Also: By striking out of line seven of section one of page one of printed bill, the word "Joaquin."

Amend by inserting after "Calaveras," in line thirteen of section one of first page of printed bill, the words "San Joaquin."

Amend by striking out of section one, line seven, the words "Santa Clara," and inserting the following: After the word "Amador" in line thirteen, page one, section one, the words "Santa Clara."

Amend by striking out of section one, line eight, the word "Sacramento."

Amend by striking out of section one, line ten, the word "Solano," and inserting the following: "Solano," in line twelve, section one, before the word "Amador."

Amend by striking out of section one, line nine, the words "Shasta and Siskiyou," and inserting the following: "Shasta and Siskiyou" in line thirteen, after the word "El Dorado."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 235, with instructions to amend, respectfully reports the same back, amended as per instructions.

NELSON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 214—An Act to provide for the appointment of "The Inspector of Mines," to define his duties, and provide for his compensation, the liability of mining operators and of the Inspector of Mines.

Senator Belshaw moved to refer Senate Bill No. 214 to the Committee on Finance.

Senator Curtin moved to amend the motion, to have the bill reported back in twenty-four hours.

Amendment to the motion adopted.

Motion of Senator Belshaw as amended carried.

Senate Constitutional Amendment No. 2—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing courts of appeal.

On motion of Senator Lukens, referred to Committee on Judiciary, to retain place.

Senate Bill No. 155—An Act to amend Section 1489 of the Political Code, relating to the powers and duties of Boards of Trustees of the Normal Schools in the State of California.

On motion of Senator Sanford, passed on file, to retain place.

At twelve o'clock and two minutes, p. m., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senate Bill No. 337—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

On motion of Senator Devlin, passed on file, to retain place.

Senate Bill No. 209—An Act to amend an Act entitled "An Act to create a State Board of Accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, by amending Section 2 thereof.

On motion of Senator Savage, passed on file, to retain place.

Senate Bill No. 561—An Act to repeal an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California."

Read third time.

SPECIAL ORDER SET.

On motion of Senator Pendleton, the consideration of Senate Bill No. 561 was made a special order for Wednesday, February 25, 1903, immediately preceding the consideration of the daily file.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 589—An Act to amend an Act entitled "An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco."

On motion of Senator Pendleton, passed on file, to retain place.

Senate Bill No. 595—An Act making an appropriation to pay the claim of A. W. North against the State of California.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 516—An Act to regulate the work and hours of selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 129—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 129 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selva, Smith, Tyrrell of San Francisco, Ward, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 560—An Act to amend an Act entitled "An Act to establish a Civil Code," relating to granting of divorces.

Read third time.

Senator Curtin moved to refer to Senator Pendleton, as a special committee of one, to amend as follows:

By striking out of section one, line ten, the words "in this State or elsewhere."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 560, with instructions to amend, respectfully reports the same back, amended as per instructions.

PENDLETON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

RECESS.

At twelve o'clock and thirty minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

SPECIAL FILE—ASSEMBLY BILLS.

Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

Read third time on a previous day.

Senator Selvage moved to refer to Senator Caldwell, as a special committee of one, to amend as follows:

By striking out of page two, line eighteen of printed bill, the word "March," and in lieu thereof inserting the word "September."

COMMUNICATIONS.

During the debate on the passage of the bill, Senator Welch presented the following communication, which, on his motion, was read and ordered printed in the Journal:

SAN FRANCISCO, CAL., February 3, 1903.

HON. RICHARD WELCH, *Senate, Sacramento, Cal.*:

DEAR SIR: After carefully considering Assembly Bills Nos. 139 and 395 and conferring with representative veterinarians of the city, it is the consensus of opinion that they are faulty and dangerous to owners of livestock.

Respectfully,

A. P. O'BRIEN,

Health Officer, Department of Public Health.

Senator Bunkers presented the following communication, which was, on his motion, read and ordered printed in the Journal:

SAN FRANCISCO, CAL., February 3, 1903.

HON. H. BUNKERS:

DEAR SIR: After carefully considering Assembly Bills Nos. 139 and 395 and conferring with representative veterinarians of the city, it is the consensus of opinion that they are faulty and dangerous to owners of livestock.

Respectfully,

WM. C. HASSLER, M. D.,

Chief Sanitary Inspector, Department of Public Health.

The question being on the motion to refer to a committee of one.

The roll was called, and the motion carried by the following vote :

AYES—Senators Belshaw, Caldwell, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, and Wolfe—22.

NOES—Senators Bauer, Bunkers, Coggins, French, Knowland, Muentner, Oneal, Plunkett, Ralston, Tyrrell of San Francisco, Ward, and Williams—12.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 139, with instructions to amend, respectfully reports the same back, amended as per instructions.

CALDWELL, Committee.

Report of special committee of one, and amendment, adopted.

Senator Belshaw moved to refer to Senator Ralston, as a special committee of one, to amend as follows:

Amend by striking out after the word "surgery," in line six of section one, the following: "in the State of California," and inserting in lieu thereof the following: "in any city, city and county, or town, in this State, having a population of two thousand (2,000) or more."

Motion lost.

Bill ordered to print and on file for final passage.

At three o'clock and eight minutes P. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

MOTION TO RECONSIDER.

In compliance with his notice given on Monday, February 23, 1903, Senator Sanford moved that the vote whereby Assembly Joint Resolution No. 8—Relative to requesting Congress to call a convention for submitting an amendment to the Constitution of the United States, calling for election of United States Senators by direct vote of the people—was refused adoption, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Curtin, Diggs, Emmons, French, Knowland, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Sanford, Savage, Shortridge, Williams, Wolfe, and Woodward—21.

NOES—Senators Corlett, Flint, Hahn, Lardner, Lukens, Ralston, Rowell, Selvage, and Ward—9.

ASSEMBLY JOINT RESOLUTION No. 8.

Relative to requesting Congress to call a convention for the purpose of submitting an amendment to the Constitution of the United States calling for the election of United States Senators by the direct vote of the people.

WHEREAS, A large number of State Legislatures have at various times adopted memorials and resolutions in favor of election of United States Senators by popular vote; and

WHEREAS, The National House of Representatives has on four separate occasions within recent years adopted resolutions in favor of the proposed change in the method of electing United States Senators, which were not adopted by the Senate; and

WHEREAS, Article V of the Constitution of the United States provides that Congress, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, and believing there is a general desire upon the part of the citizens of the State of California that the United States Senators should be elected by a direct vote of the people; therefore, be it

Resolved, That the Legislature of the State of California favors the adoption of an amendment to the Constitution of the United States which shall provide for the election of United States Senators by popular vote, and joins with other States of the Union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of

the said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by a direct vote of the people, and the request of and consent to, the calling and holding of such convention, as hereby made and given, is limited to the consideration and adoption of such amendment to said Constitution as herein mentioned and no other.

Resolved, That a copy of this concurrent resolution and application to Congress for the calling of a convention be sent to the Secretary of State of each of the United States, and that a similar copy be sent to the President of the United States Senate and the Speaker of the House of Representatives.

Joint resolution read on a previous day.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 8 adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Curtin, Diggs, Emmons, French, Greenwell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Sanford, Shortridge, Smith, Tyrrell of San Francisco, Welch, Williams, Wolfe, and Woodward—25.

NOES—Senators Bauer, Coggins, Corlett, Flint, Hahn, Hubbell, Lardner, Ralston, Rowell, Selvage, and Ward—11.

Joint resolution ordered transmitted to the Assembly.

SPECIAL ORDER SET.

Senator Selvage moved that when the Senate take a recess this afternoon it do so until eight o'clock p. m. of this day, and that the consideration of the second reading of Code Revision bills be made a special order for that hour.

The question being on the motion to make a special order.

The roll was called, and the motion carried by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Curtin, Diggs, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—26.

NOES—Senators Bauer, Bunkers, Byrnes, Emmons, Savage, Smith, and Wolfe—7.

LEAVES OF ABSENCE.

On motion of Senator Belshaw, the members of the Committee on Finance were granted leaves of absence for to-night.

On motion of Senator Welch, the members of the Committee on Commerce and Navigation were granted leaves of absence for to-night.

Senator Emmons was, on his own motion, granted leave of absence for to-night.

Assembly Bill No. 382—An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds.

Read third time on a previous day.

Senator Lukens moved to refer to Senator Knowland, as a special committee of one, to amend as follows:

By inserting in section one, line twenty-four, the words: "and whose parents are not residents of such cities or districts" between the words "guardians" and "shall."

The question being on the motion to refer to a special committee of one.

The roll was called, and the motion lost by the following vote:

AYES—Senators Curtin, Hahn, Knowland, Leavitt, Lukens, and Rowell—6.

NOES—Senators Bauer, Belshaw, Bunkers, French, Nelson, Pendleton, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Wolfe—15.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 382 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Nelson, Pendleton, Plunkett, Sanford, Savage, Selvaige, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—26.

NOES—Senators Knowland, Lukens, and Rowell—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bill No. 314 having been made a special order for this hour, the same was taken up.

Senate Bill No. 314—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employés.

Read third time.

Senator Devlin moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

Amend section one, line three, by striking out all after the figures "1972" and inserting in lieu thereof the following: "An employer is bound to indemnify his employé for losses suffered by the latter in consequence of the negligence of a vice-principal of the employer. A vice-principal is one who the employer selects to perform for him any of the following duties: The furnishing of a reasonably safe place for doing the work, reasonably safe tools and appliances for the accomplishment of the work, the exercise of proper diligence in the employment of reasonably safe and competent men, or the adoption and promulgation of safe and proper rules for the conduct of the business. The fact that one employé is superior in authority to another does not have the effect of changing his relation as a fellow employé, where he is not a vice-principal. The mere fact that the function of one is to exercise supervision and control over some work undertaken by the employer which requires supervision and over subordinate employés engaged in that work, and where the other is not vested by the employer with any such power of direction or management, does not constitute such supervising employé a vice-principal. In order to constitute a superior employé a vice-principal, he must be one who is clothed with the control and management of a distinct department, and not a mere separate piece of work in one of the branches of service in departments. When the business of the employer is of such great and diversified extent that it naturally and necessarily separates itself into departments of service, the individuals placed by the employer in charge of these separate branches and departments of business and given entire and absolute control therein, are vice-principals. The negligence of the vice-principal must be the proximate cause of the injury, and the injured employé must be free from negligence, the employer is not bound to indemnify his employé for losses suffered by the latter in consequence of the negligence of a fellow servant who is not a vice-principal as defined in this section. The employer is also bound to indemnify the injured employé if the former has neglected to use ordinary care in the selection of a capable employé."

Amend section two by striking out all after the figure "2" in line one, and in lieu thereof inserting: "All Acts or parts of Acts in conflict with this Act are hereby repealed."

SPECIAL ORDER RESET.

Senator Lukens moved that the proposed amendment be printed in the Journal, and that the further consideration of the bill and amendment be made a special order for Wednesday, February 25, 1903, immediately after the consideration of the special file of Assembly bills.

Motion carried.

At three o'clock and thirty-five minutes P. M., Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

MOTION TO RECONSIDER.

In compliance with his notice given on Monday, February 23, 1903, Senator Emmons moved that the vote whereby Senate Bill No. 199—

An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employes who shall violate or attempt or threaten to violate the provisions of this Act—was passed, be now reconsidered.

The motion was duly seconded.

Senator Emmons moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 199 was passed be postponed until Thursday, February 26, 1903, at ten o'clock and thirty minutes A. M., and be made a special order for that date and hour.

The question being on the motion to postpone.

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, French, Hubbell, Luchsinger, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Smith, Ward, Welch, Williams, and Wolfe—23.

NOES—Senators Curtin, Flint, Knowland, Lardner, Leavitt, Lukens, Muentner, Pendleton, Selvage, Tyrrell of San Francisco, and Woodward—11.

POINT OF ORDER.

Upon the announcement of the vote, Senator Curtin made the point of order that it required twenty-four votes to make a special order.

The President declared the point of order well taken and the motion lost.

Senator Belshaw moved the further consideration of the bill be made a special order for Thursday, February 26, 1903, at eleven o'clock A. M.

The question being on the motion to make a special order.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, French, Greenwell, Hubbell, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, Williams, and Wolfe—28.

NOES—Senators Curtin, Flint, Knowland, Leavitt, Lukens, Muentner, and Woodward—7.

NOTICE OF MOTION TO RECONSIDER.

Senator Pendleton gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 320 was this day refused passage.

NOTICE TO RECONSIDER POSTPONED.

On motion of Senator Lukens, the motion to reconsider the vote whereby Senate Bill No. 281—An Act to add a new section to the

Code of Civil Procedure, to be numbered 635, relating to trials of questions of fact by the court—was passed, was postponed until next legislative day.

MOTION TO RECONSIDER.

In compliance with his notice given on February 23, 1903, Senator Luchsinger moved that the vote whereby Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers—was refused passage, be now reconsidered.

The motion was duly seconded.

Senator Luchsinger moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 304 was refused passage, be postponed until next legislative day at three o'clock and thirty minutes P. M., and be made a special order for that hour.

The question being on the motion to make a special order.

The roll was called, and the motion carried by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Sanford, Savage, Selva, Smith, Tyrrell of San Francisco, Ward, Welch, Wolfe, and Woodward—24.

NOES—Senators Corlett and Hahn—2.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 887—An Act to amend Sections 3, 4, and 6 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Also: Senate Bill No. 549—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 9—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

Also: Senate Bill No. 573—An Act to amend an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1883, by adding thereto a new section, to be designated as Section 779, relative to the election, in municipal corporations of the fifth class, of a board of fifteen freeholders, to frame a charter for the government of any such municipality.

Have had the same under consideration, and respectfully report the same back, without recommendation.

SAVAGE, Chairman.

Senate Bills Nos. 887, 549, and 573, and Assembly Bill No. 9, ordered on file.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 23, 1903.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 664—An Act to amend Section 2527 of the Political Code, relating to the powers of the State Harbor Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

WELCH, Chairman.

Senate Bill No. 664 ordered on file.

ON COMMISSIONS, RETRENCHMENT, AND REFORM.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your Committee on Commissions, Retrenchment, and Reform, to whom was referred Assembly Bill No. 319—An Act creating a commission, to be known as the California Relief Commission, whose duties shall be the oversight, guidance, and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment, or other lawful termination thereof, in the State of California, etc.—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and be referred to Committee on Finance.

SMITH, Chairman.

Assembly Bill No. 319 referred to Committee on Finance.

At four o'clock and five minutes P. M., Hon. C. W. Pendleton, State Senator from the Thirty-eighth Senatorial District, in the chair.

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the sum of \$200 is hereby appropriated from the Contingent Fund of the Senate for the purpose of purchasing boxes, packing, marking and expressing all papers and documents belonging to the Senators to their places of residence at the close of the session. The Controller of the State is hereby authorized to draw his warrant in favor of J. Louis Martin, Sergeant-at-Arms of the Senate, for the above amount, and the Treasurer directed to pay the same.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lukens, Nelson, Pendleton, Ralston, Sanford, Savage, Selvage, Smith, Ward, Welch, Williams, Wolfe, and Woodward—27.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following bills—have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of seven hundred three and fifty-eight hundredths (\$703.58) dollars, in payment of the bills hereto attached; and the Treasurer is directed to pay the same:

John Breuner Co.	\$160 23
Tom Scott	164 25
D. Johnston & Co.	131 90
Capital Telephone and Telegraph Co.	18 10
Mrs. E. Hall	19 40
H. S. Crocker Co.	96 30
Hook & Son	6 40
Pasteur Filter Co.	10 00
Benj. B. Welch	15 00
F. R. Pulford	55 00
Kane & Trainor Ice Co.	21 00
Sunset Telephone and Telegraph Co.	6 00
	<hr/>
	\$703 58

FLINT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Nelson,

Pendleton, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—29.

NOES—None.

PASSAGE OF SENATE BILL No. 406.

Senator Smith asked for and was granted unanimous consent to have Senate Bill No. 406 taken up for immediate consideration.

Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 625a, relating to unlawful interferences with public fire alarms.

The bill having been refused passage, and the vote whereby it was refused passage having been reconsidered.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 406 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Corlett, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Oneal, Pendleton, Plunkett, Ralston, Rowell, Selva, Smith, Tyrrell of San Francisco, Ward, Wolfe, and Woodward—26.

NOES—Senators Flint and Nelson—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Hahn:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session, without the consent of two thirds of the members thereof, be complied with, and that Senator Hahn be and he is hereby permitted to introduce a concurrent resolution, to be numbered 14.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Savage, Selva, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—28.

NOES—Senators French, Oneal, Plunkett, and Welch—4.

INTRODUCTION OF CONCURRENT RESOLUTION.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following concurrent resolution was introduced:

By Senator Hahn: Senate Concurrent Resolution No. 14—Relative to adjourning sine die.

Referred to Committee on Rules.

CONSIDERATION OF SENATE BILL No. 568.

Senator Hubbell asked for and was granted unanimous consent to have Senate Bill No. 568 taken up for immediate consideration.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Hubbell:

Resolved, That Senate Bill No. 568 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring

that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—33.

NOES—None.

Senate Bill No. 568—An Act to provide for the amount and the manner of payment of salaries of Justices of the Peace in counties of the tenth class, for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act, and repealing all laws in conflict therewith.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 568 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SENATE BILL No. 594.

Senator Ralston asked for and was granted unanimous consent to have Senate Bill No. 594 taken up for immediate consideration.

Senate Bill No. 594—An Act to prohibit the use of the bristle-bur, tack-bur, or other like devices on horses or other animals in this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 594 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—28.

NOES—Senator Shortridge—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Diggs was, on his own motion, granted leave of absence until Thursday, February 26, 1903.

SECOND READING OF BILLS—(OUT OF ORDER).

Senator Caldwell asked for and was granted unanimous consent to have Senate Bill No. 359 taken up for immediate consideration.

Senate Bill No. 359—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery and to

regulate the practice of dentistry in the State of California, providing penalties for violations hereof, and to repeal an Act now in force relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 10, 12, 14, 15, 19, and 25; repealing Sections 16, 17, 18, and adding a new section, to be numbered and designated Section 22½.

During second reading of bill, the following amendments were submitted by committee:

AMENDMENT No. 1.

Amend by striking out the figures "22½" in the title of the Act, first page, printed bill, and inserting in lieu thereof the figures "21¼."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting the word "now" immediately before the word "licensed," in line two, first page, printed bill.

Amendment adopted.

AMENDMENT No. 3.

In line three, first page, printed bill, immediately after the word "State," add the following: "who has failed to register his license with the Clerk of the county wherein his place of business is located, as provided by law, must register the same within sixty days after this Act takes effect, and every person who shall hereafter be licensed to practice dentistry in this State."

Amendment adopted.

AMENDMENT No. 4.

Amend by inserting the word "reputable" immediately before the word "dental," in line eleven, fourth page, printed bill.

Amendment adopted.

AMENDMENT No. 5.

Amend by striking out the words "and all laws heretofore enacted and existing prior to this Act in the State of California," in Section 25, in line two, seventh page, printed bill.

Amendment adopted.

AMENDMENT No. 6.

Amend by striking out the words "fornia, referring to dentistry and the practice thereof, and to the several matters contemplated in this Act, are hereby repealed," in Section 25, in lines four, five, and six, eighth page, printed bill.

Amendment adopted.

AMENDMENT No. 7.

Amend by inserting the word "hereby" immediately before the word "repealed," in line six, eighth page, printed bill.

Amendment adopted.

AMENDMENT No. 8.

Amend by striking out the words "of the United States of America," in line five, eighth page, printed bill.

Amendment adopted.

AMENDMENT No. 9.

Amend said Act as follows: Strike out the words and figures "amend Section 10 so as to read as follows:" immediately following the enacting clause on page one of the printed bill, and in lieu thereof insert the following:

"SECTION 1. Section 10 of an Act entitled 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901,' is hereby amended so as to read as follows:"

Amendment adopted.

AMENDMENT No. 10.

Amend said Act as follows: Strike out the words and figures "amend Section 12 as follows:" immediately following line six of section twenty-five, eighth page of printed bill, and in lieu thereof insert the following:

"SEC. 2. Section twelve of that certain Act of the Legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:"

Amendment adopted.

AMENDMENT No. 11.

Amend said Act as follows: Strike out the words and figures "amend Section 14 to read as follows:" immediately following line sixty-seven of Section 10, page three of printed bill, and in lieu thereof insert the following:

"SEC. 3. Section 14 of that certain Act of the Legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:"

Amendment adopted.

AMENDMENT No. 12.

Amend said Act as follows: Strike out the words and figures "amend Section 15 so as to read as follows:" immediately following line thirty-two of section fourteen, page four of printed bill, and in lieu thereof insert the following:

"SEC. 4. Section fifteen of that certain Act of the Legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:"

Amendment adopted.

AMENDMENT No. 13.

Amend said Act as follows: Strike out the words and figures "repeal Sections 16, 17, and 18," immediately following line twenty of section fifteen, page five of the printed bill, and insert in lieu thereof the following:

"SEC. 5. All of sections sixteen, seventeen, and eighteen of that certain Act of the Legislature of the State of California, more particularly designated and described in section one hereof, are hereby expressly repealed."

Amendment adopted.

AMENDMENT No. 14.

Amend said Act as follows: Strike out the words and figures "amend Section 19 so as to read as follows:" immediately preceding line two of section nineteen, page five of the printed bill, and in lieu thereof insert the following:

"SEC. 6. Section nineteen of that certain Act of the Legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:"

Amendment adopted.

AMENDMENT No. 15.

Amend said Act as follows: Strike out the words and figures "add a new section numbered 21½," immediately preceding line two of section twenty-one and one half, page six of the printed bill, and in lieu thereof insert the following:

"SEC. 7. There is hereby added to that certain Act of the Legislature of the State of California, more particularly designated and described in section one hereof, a new section, to be numbered section twenty-one and one half, as follows:"

Amendment adopted.

AMENDMENT No. 16.

Amend said Act as follows: Strike out the words and figures "amend Section 25 as follows:" immediately preceding line two of Section 25, page seven of the printed bill, and in lieu thereof insert the following:

"SEC. 8. Section twenty-five of that certain Act of the Legislature of the State of California, more particularly designated and described in section one hereof, is hereby amended so as to read as follows:"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senator Wolfe asked for and was granted unanimous consent to have Senate Bill No. 198 taken up for immediate consideration.

Senate Bill No. 198—An Act relating to Justices' Courts in cities and counties of more than one hundred thousand population, and providing

for the appointment of a justices' clerk and his assistants, prescribing their duties, and fixing their compensation.

During second reading of bill, the following amendments were offered:
By Senator Wolfe:

AMENDMENT No. 1.

Amend by inserting in line one of the printed bill before the word "the," the word and figure "Sec. 1."

Amendment adopted.

AMENDMENT No. 2.

Amend by inserting in line one, page two, printed bill, before the word "all," the word and figure "Sec. 2."

Amendment adopted.

AMENDMENT No. 3.

Amend by inserting in line three, page two, printed bill, before the word "the," the word and figure "Sec. 3."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senator Oneal asked for and was granted unanimous consent to have Senate Bill No. 423 taken up for immediate consideration.

Senate Bill No. 423—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the fees and salaries of certain county officers.

Bill read second time, considered engrossed, and ordered on file for third reading.

BILL RECALLED FROM COMMITTEE AND ORDERED ON FILE.

Senator Lukens moved that Assembly Bill No. 274—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer and fixing the compensation of such stenographer—be recalled from Committee on Commissions, Retrenchment, and Reform and ordered on file.

Motion carried.

RECESS.

At four o'clock and thirty minutes P. M., on motion of Senator Rowell, the acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bunkers, Byrnes, Caldwell, Coggrins, Devlin, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muenter, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Welch, and Woodward—25.

Quorum present.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Savage:

WHEREAS, The National Commander of the Grand Army of the Republic will arrive in this city to-morrow (Wednesday) morning; and

WHEREAS, It would be fit and proper that he should be received in proper form; therefore be it

Resolved, That a committee of three be appointed by the President of the Senate to receive the National Commander of the Grand Army of the Republic and present him to his Excellency the Governor and both houses of the Legislature.

Resolution read and adopted.

BILL RECALLED FROM ENGROSSMENT.

Senator Devlin moved that Senate Bill No. 638 be recalled from engrossment for the purpose of amendment.

Motion carried.

CONSIDERATION OF SENATE BILL No. 638.

Senator Devlin asked for and was granted unanimous consent to have Senate Bill No. 638 taken up for immediate consideration.

Senate Bill No. 638—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, etc., the laws of the State, and for the appointment of members of said commission, to be known as The Commissioners for the Revision and Reform of the Law."

Bill having been recalled from engrossment for the purpose of amendment, the following amendment was offered:

By Senator Devlin:

Amend by striking out of section two, in line one, second page, printed bill, the words "its passage," and inserting in lieu thereof the following: "April 1, 1903."

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

SPECIAL FILE—CODE REVISION BILLS—SECOND READING.

The consideration of Code Revision bills having been set as a special order for this hour, the same was taken up.

Senate Bill No. 681—An Act to amend Section 14 of the Civil Code, relating to definitions.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 682—An Act to amend Sections 47 and 49 of the Civil Code and to add four new sections thereto, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 683—An Act to repeal Section 58 and to amend Sections 60, 61, 68, 69, 70, 79½ and 84 of the Civil Code, all relating to marriage.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 684—An Act to amend Sections 94, 106, 125, 136, 137, and 146 and to repeal Section 144 of the Civil Code, all relating to divorce.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 685—An Act to amend Sections 161, 164, and 170 of the Civil Code, all relating to husband and wife.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 686—An Act to amend Sections 224, 226, and 227 of the Civil Code, all relating to the adoption of children.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 687—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, 255, and 258 and to amend Section 246 of the Civil Code, all relating to guardian and ward.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 688—An Act to repeal Title IV of Part III of Division First of the Civil Code, and each and every section of said title, and to substitute a new Title IV to take the place thereof in said code, relating to masters and apprentices.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 689—An Act to amend Sections 299, 301, 302, 303, 304, 309, 310, 311, 312, 314, 315, and 321a of the Civil Code, all relating to corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 690—An Act to amend Sections 322, 323, and 325 of the Civil Code, and to add a new section thereto, to be numbered 328, all relating to stockholders in corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 691—An Act to amend Sections 360 and 362 and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 692—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 693—An Act to repeal Section 399 and to amend Sections 400 and 401 of the Civil Code, all relating to the dissolution and extension of corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 694—An Act to add a chapter to Title I of Part IV of Division First of the Civil Code, relating to foreign corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 695—An Act to amend Sections 414, 415, 417, 418, and 419 of the Civil Code, and to add a new section thereto, to be numbered 421, all relating to insurance corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 696—An Act to repeal Sections 427, 431, and 432 and to amend Section 428 of the Civil Code, all relating to fire and marine insurance corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 697—An Act to amend Sections 437, 447, 449, and 450 and to repeal Sections 444 and 448 of the Civil Code, and to add a new section thereto, to be numbered 452, all relating to mutual life, health, and accident insurance corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 698—An Act to add a Chapter IV to Title II of Part IV of Division First of the Civil Code, relating to mutual benefit and life associations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 699—An Act to add a Chapter V to Title II of Part IV of Division First of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 700—An Act to add a Chapter VI of Title II of Part II of Division First of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 701—An Act to amend Sections 465, 468, 481, and 489, and to repeal Section 492, of the Civil Code, and to add two new sections thereto, to be numbered 465*a* and 473*a*, all relating to railroad corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 702—An Act to amend Sections 497, 498, 501, 504, and 507 of the Civil Code, all relating to street railway corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 703—An Act to amend Sections 513, 514, 517, 518, and 522 of the Civil Code, all relating to wagon road corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 704—An Act to add a new section to the Civil Code, to be numbered 524, relating to franchises for the construction of paths and roads for the use of horseless vehicles.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 705—An Act to amend Sections 528, 529, and 530 of the Civil Code, all relating to bridge, ferry, wharf, chute, and pier corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

At eight o'clock and twenty minutes P. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

Senate Bill No. 706—An Act to repeal Chapter VII of Title IV of Part IV of Division First of the Civil Code, and each and every section of such chapter, and to substitute a new Chapter VII to take the place thereof in said code, relating to telegraph and telephone corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 707—An Act to amend Sections 549 and 551 and to repeal Section 550 of the Civil Code, all relating to water and canal corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 708—An Act to add a new section to the Civil Code, to be numbered 580, relating to statements to be made and notices to be given depositaries of money.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 709—An Act to repeal Title XI of Part IV of Division First of the Civil Code, and each and every section of said title, and to substitute a new Title XI to take the place thereof in said code, relating to mining corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 710—An Act to add a new title to Part IV of Division First of the Civil Code, to be known as Title XIa, relating to corporations for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 711—An Act to amend Sections 593, 595, and 597 of the Civil Code, all relating to benevolent corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 712—An Act to add a title to Part IV of Division First of the Civil Code, to be known as Title XIIa, relating to societies for the prevention of cruelty to children and animals.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 713—An Act to amend Sections 612 and 613 and to repeal Section 616 of the Civil Code, all relating to cemetery corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 714—An Act to repeal Title XV of Part IV of Division First of the Civil Code, and to substitute therefor in said code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 715—An Act to amend Sections 635, 641 and 643 and to repeal Section 648½ of the Civil Code, relating to land and building corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 716—An Act to add a Title XIX to Part IV of Division First of the Civil Code, relating to co-operative business corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 717—An Act to add a Title XX to Part IV of Division First of the Civil Code, relating to co-operative business associations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 718—An Act to amend Sections 682, 683, 686, 702, and 703 of the Civil Code, all relating to interests in property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 719—An Act to amend Section 709 of the Civil Code, relating to conditions precedent.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 720—An Act to amend Section 801 of the Civil Code, relating to servitudes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 721—An Act to amend Section 832 of the Civil Code, relating to the rights of cotermious owners.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 722—An Act to add Sections 842 and 843 to the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 723—An Act to amend Sections 857 and 859 of the Civil Code, both relating to trusts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 724—An Act to amend Section 993 of the Civil Code, relating to the transfer of the good will and name of a business.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 725—An Act to amend Section 1055 of the Civil Code, relating to the presumption of the time of the execution of a grant.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 726—An Act to amend Section 1067 of the Civil Code, relating to the interpretation of grants.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 727—An Act to add a new section to the Civil Code, to be numbered 1096, relating to the mode of transferring real property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 728—An Act to amend Section 1106 of the Civil Code, relating to the effect of a transfer of real property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 729—An Act to amend Section 1149 of the Civil Code, relating to gifts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 730—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 731—An Act to amend Sections 1181, 1185, 1190, 1193, 1202, 1203, and 1207 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 732—An Act to add a new section to the Civil Code, to be numbered 1218, relating to the recording of certified copies of instruments in writing.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 733—An Act to repeal Chapter I of Title V of Part IV of Division Second of the Civil Code, and each and every section of said Chapter I, and to substitute a new Chapter I, to take the place thereof in said code, relating to homesteads.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 734—An Act to amend Section 1263 of the Civil Code, relating to declarations of homestead.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 735—An Act to add a chapter to Title V of Part IV of Division Second of the Civil Code, relating to homesteads of insane persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 736—An Act to amend Sections 1275, 1276, 1295, 1300, 1306, 1307, 1326, 1327, 1343, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 737—An Act to amend Sections 1386, 1387, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 738—An Act to add a new section to the Civil Code, to be numbered 1468, relating to covenants running with land.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 739—An Act to amend Sections 1473 and 1479 of the Civil Code, relating to the performance of obligations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 740—An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 741—An Act to amend Section 1691 of the Civil Code, relating to the rescission of contracts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 742—An Act to amend Section 1715 of the Civil Code, and to add two new sections thereto, to be numbered 1716 and 1717, all relating to waste.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 743—An Act to add a new section to the Civil Code, to be numbered 1779, relating to warrants.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 744—An Act to add an Article IIIa to Chapter II of Title III of Part IV of Division Third of the Civil Code, relating to warehousemen.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 745—An Act to amend Section 1863 of the Civil Code, relating to innkeepers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 746—An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 747—An Act to amend Sections 1929, 1930, and 1932 of the Civil Code, all relating to the hiring of property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 748—An Act to amend Sections 1980, 1990, and 1996 of the Civil Code, all relating to employers and employes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 749—An Act to amend Sections 2161, 2207, and 2208 of the Civil Code, all relating to carriers of messages.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 750—An Act to amend Sections 2170, 2172, 2180, and 2195 of the Civil Code, all relating to common carriers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 751—An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 752—An Act to add a new section to the Civil Code, to be numbered 2245, relating to trusts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 753—An Act to amend Section 2334 of the Civil Code, relating to the liability of principals for the acts of their agents.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 754—An Act to amend Sections 2406, 2450, 2461, 2468, and 2489 of the Civil Code, all relating to partnerships.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 755—An Act to amend Section 2541 of the Civil Code, relating to insurance of mortgaged property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 756—An Act to add a new section to the Civil Code, to be numbered 2893, relating to the enforcement of liens on personal property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 757—An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to liens.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 758—An Act to amend Sections 2936, 2959, 2968, and 2969 of the Civil Code, and to add a new section thereto, to be numbered 2973, all relating to mortgages.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 759—An Act to amend Section 3052 of the Civil Code, and to add five new sections thereto, to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 760—An Act to amend Sections 3131, 3156, 3176, 3197, 3235, and 3245 of the Civil Code, all relating to negotiable instruments.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 761—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 762—An Act to add a new section to the Civil Code, to be numbered 3346a, relating to damages for negligently firing woods.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 763—An Act to amend Section 3366 of the Civil Code, relating to specific and preventive relief.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 764—An Act to add a new section to the Civil Code, to be numbered 3396, relating to judgments for the specific performance of contracts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 765—An Act to amend Section 3406 of the Civil Code, relating to the rescission of contracts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 766—An Act to amend Section 3442 of the Civil Code, relating to fraudulent instruments and transfers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 767—An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 768—An Act to amend Sections 3479 and 3503 of the Civil Code, relating to nuisances.

Bill read second time, considered engrossed, and ordered on file for third reading.

SECOND READING OF BILLS—(OUT OF ORDER).

Senator Smith asked for and was granted unanimous consent to have Senate Bill No. 202 taken up for immediate consideration.

Senate Bill No. 202—An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904; also, for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.

During second reading of bill, the following amendments were offered:
By Senator Smith:

Amend by striking out of section three, line sixteen, the words "seventy-five," and inserting the following: "one hundred."

Amendment adopted.

Also:

Amend by striking out of section three, line thirteen, the words "seventy-five," and inserting the word "fifty."

Amendment adopted.

Also:

Amend by striking out of section three, line nine, the words "terminal shipping point in California," and inserting the following: "as ordered by the commissioners."

Amendment adopted.

Also:

Amend by striking out of section two, lines one and two, after the word "shall," "have had actual experience in exposition work, and shall."

Amendment adopted.

Also:

Amend by striking out of section one, line twenty-four, the words "within the State of California."

Amendment adopted.

Also:

Amend section one, line twenty-three, by inserting the following: "or such point as the commissioners may direct."

Amendment adopted.

Also:

Amend by striking out of section one, line six, the words "not more than two," and all of line seven, and inserting the following: "also a secretary."

Amendment adopted.

Also:

Amend by striking out of section one, line four, the words "from the central portion of the State."

Amendment adopted.

Also:

Amend section one, line three, by inserting the following after the word "commissioners": "consisting of himself, who shall be chairman of the board of commissioners,"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senator Woodward asked for and was granted unanimous consent to have Senate Bills Nos. 341, 322, and 323 taken up for immediate consideration.

Senate Bill No. 341—An Act to provide for the purchase of fire apparatus and machinery, and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the word "fifteen," in line three of section one, on first page, printed bill, and insert in lieu thereof the word "five."

Amendment adopted.

Also:

Amend by striking out the words "and the purchase and development of an additional water supply," in lines four and five of section one, on first page, printed bill.

Amendment adopted.

Also:

Amend by striking out all of sections two and three, on pages one and two of printed bill.

Amendment adopted.

Also:

Amend by striking out the figure "4" in line one of section four, on second page of printed bill, and inserting in lieu thereof the figure "2."

Amendment adopted.

Also:

Amend by striking out the figure "5" in line one of section five, on second page of printed bill, and inserting in lieu thereof the figure "3."

Amendment adopted.

Also:

Amend the title by striking out the words "and the purchase and development of an additional water supply," in lines two and three of the title, on page one of printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 322—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the words "twenty-five thousand" in line three of section one, on first page, printed bill, and inserting in lieu thereof the following: "twenty-two thousand five hundred."

Amendment adopted.

Also:

Amend by striking out all of section two on page one of printed bill.

Amendment adopted.

Also:

Amend by striking out the figure "3" in line one of section three, on second page of printed bill, and inserting in lieu thereof the figure "2."

Amendment adopted.

Also:

Amend by striking out the figure "4" in line one of section four, on second page, printed bill, and inserting in lieu thereof the figure "3."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 323—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the word "eighty," on line one of section one, on first page, printed bill, and insert in lieu thereof the following: "twenty."

Amendment adopted.

Also:

Amend by striking out the figure "4" on line one of section four, on first page, printed bill, and insert in lieu thereof the figure "2."

Amendment adopted.

Also:

Amend by striking out all of section two and section three on page one of printed bill.

Amendment adopted.

Also:

Amend by striking out the figure "5" on line one of section five on second page, printed bill, and insert in lieu thereof the figure "3."

Amendment adopted.

Also:

Amend by striking out the word "seventeen" on line one of section six, on second page, printed bill, and insert in lieu thereof the following: "eight."

Amendment adopted.

Also:

Amend by striking out the word "six" on line three of section six, on second page of printed bill, and insert in lieu thereof the following: "three."

Amendment adopted.

Also:

Amend by striking out the figure "6" on line one of section six, on second page of printed bill, and insert in lieu thereof the following figure: "4."

Amendment adopted.

Also:

Amend by striking out the figure "7" on line one of section seven, on second page of printed bill, and insert in lieu thereof the following figure: "5."

Amendment adopted.

Also:

Amend by striking out the word "two" in line one of section seven, on second page, printed bill, and insert in lieu thereof the following: "one."

Amendment adopted.

Also:

Amend by striking out the word "six" in line three of section seven, on second page, printed bill, and insert in lieu thereof the following: "three."

Amendment adopted.

Also:

Amend by striking out the figure "8" in line one of section eight, on second page of printed bill, and insert in lieu thereof the following figure: "6."

Amendment adopted.

Also:

Amend by striking out the figure "9" in line one of section nine, on second page of printed bill, and insert in lieu thereof the following figure: "7."

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Senator Corlett asked for and was granted unanimous consent to have Senate Bills Nos. 49, 57, 103, and 6 taken up for immediate consideration.

Senate Bill No. 49—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 57—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 103—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos in the power-house at the Veterans' Home located at Yountville, Napa County, State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 6—An Act to provide for the purchase of additional lands for the Napa State Hospital.

Bill read second time, considered engrossed, and ordered on file for third reading.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS.

Senator Ralston moved that the consideration of the bills on second reading of the special file of appropriation bills be taken up.

Motion carried.

Senate Bill No. 22—An Act to appropriate \$35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital, to purchase furniture and furnish the buildings so to be erected by the Board of Managers of said State hospital, to appropriate money therefor, and to provide for the expenditure of the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 37—An Act to appropriate the sum of \$15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 316—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-fourth fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 602—An Act to appropriate the sum of \$7,000 for the purpose of laying the necessary pipe and placing in the several rooms of the State Capitol the necessary steam radiators to properly heat said rooms by steam.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 419—An Act authorizing the State Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out the words "seven thousand five hundred" in section two, in line three, first page, printed bill, and inserting in lieu thereof the following: "five thousand."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 371—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out the words "its passage," in section four, line two, first page, printed bill, and inserting in lieu thereof the following: "July 1st, 1903."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Senate Bill No. 445—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

ADJOURNMENT.

At nine o'clock and ten minutes P. M., on motion of Senator Ralston, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, February 25, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names.

Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Wolfe—35.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, February 24, 1903, the further reading was dispensed with, on motion of Senator Corlett.

APPROVAL OF JOURNAL.

The Journal of Friday, February 20, 1903, having been corrected, was read and approved.

LEAVES OF ABSENCE.

On motion of Senator Welch, the members of the Committee on Commerce and Navigation, and Senator Emmons, were granted leave of absence for the morning session of this day.

Senator Tyrrell of Nevada was, on motion of Senator Nelson, granted leave of absence for the day.

Senator Hubbell was, on his own motion, granted leave of absence for the day.

APPOINTMENT OF RECEPTION COMMITTEE.

The President announced that, in accordance with the resolution offered by Senator Savage yesterday and adopted, he had appointed Senators Savage, Williams, and Ralston as the committee to receive the Commander-in-Chief of the Grand Army of the Republic.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Oneal, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 320—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893.

Also: Assembly Bill No. 159—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos in the power-house at the Veterans' Home located at Yountville, Napa County, State of California.

Also: Assembly Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.

Also: Assembly Bill No. 662—An Act to amend Section 1239 of the Political Code of the State of California, relating to the rules governing the boards of election in determining the place of residence of any person entitled to vote therein.

Also: Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of \$5,880 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Also: Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of \$3,195 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Also: Assembly Bill No. 694—An Act to provide for locating and surveying a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor.

Also: Assembly Bill No. 347—An Act to appropriate \$6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Also: Assembly Bill No. 480—An Act making an appropriation to pay the judgment of \$550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court, numbered 1828, entered of record on December 15, 1903, in Judgment Book "3," page 507, of said Superior Court, now held by William Goings, plaintiff, vs. The State of California, defendant.

Also: Assembly Bill No. 476—An Act to appropriate the sum of \$1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker, based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of \$8,655 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Also: Assembly Bill No. 477—An Act to appropriate the sum of \$290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California, in the Superior Court of the State of California in and for the County of Sacramento, on the 6th day of December, 1902, and making an appropriation therefor.

Also: Assembly Bill No. 390—An Act to appropriate \$500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of Superior Court of the County of Butte.

Also: Assembly Bill No. 400—An Act to appropriate \$2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled "The Farmers' Exchange Bank of San Bernardino vs. The State of California," on the 25th day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino.

Also: Assembly Bill No. 364—An Act to appropriate \$3,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9555 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 365—An Act to appropriate \$45 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9622 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of \$1,320 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "Bank of Commerce, a corporation, plaintiff, vs. The People of the State of California, defendant," numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, page 391.

Also: Assembly Bill No. 494—An Act to appropriate \$3,670 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California, upon a judgment recovered in an action entitled "Commercial Bank of Madera, a corporation, vs. The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California.

Also: Assembly Bill No. 425—An Act making an appropriation to pay the judgment of \$1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, versus The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. 3 of judgments of the Superior Court of Calaveras County, page 333.

Also: Assembly Bill No. 552—An Act making an appropriation to pay a judgment for the sum of \$6,880 rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, versus The State of California, defendant," numbered 9675, which judgment was entered and recorded on January 10, 1903, in Judgment Book No. 16 of Department Two of the said Superior Court, at page 29.

Also: Assembly Bill No. 420—An Act to appropriate the sum of \$1,315 to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Assembly Bill No. 479—An Act making an appropriation to pay the judgment of \$370 obtained in the Superior Court of the State of California in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book "3," page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. State of California, defendant.

Also: Assembly Bill No. 507—An Act to appropriate \$14,320 to pay the claims of the Producers' Bank against the State of California upon a judgment recovered in an action entitled "Producers' Bank vs. The State of California," numbered 4984 upon the register of the Superior Court of Tulare County.

Also: Passed (as a case of urgency) Assembly Bill No. 923—An Act to amend Section 478 of the Civil Code of the State of California, relating to grants of State lands to railroad corporations.

Also: Passed Assembly Bill No. 514—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

Also: Assembly Bill No. 376—An Act to pay the claim of Mrs. A. McGinness, and making an appropriation therefor.

Also: Assembly Bill No. 49—An Act to amend Section 211 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of officers of counties of the fifty-fourth class.

Also: Assembly Bill No. 474—An Act to amend Section 6 of an Act entitled "An Act to establish a State Board of Horticulture, and appropriate money for the expenses thereof," approved March 7, 1889.

Also: Assembly Bill No. 310—An Act to amend Section 1593 of the Political Code of the State of California.

Also: Assembly Bill No. 352—An Act to amend Section 1713 of Article XIII of the Political Code of California, in relation to district libraries.

Also: Assembly Bill No. 584—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 537½, relating to defrauding the proprietors or managers of livery or feed stables kept for profit.

Also: Assembly Bill No. 37—An Act amending Section 1874 of the Political Code, providing for the appointment of a permanent committee of the State Board of Education on school text books, providing for and designating who shall constitute a board to be known as "The State Text-Book Commissioners," authorizing them to revise, compile, and manufacture school text-books; prescribing their duties relating to copyrights, engravings, plates, and other matter for printing and publishing school text-books; providing a royalty fund, authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious uniform series of school text-books; granting powers, subject to the approval of the State Board of Education, to said commissioners to prescribe and enforce the use of such school text-book, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools and for district school libraries; prescribing books for use in various branches of study taught in the primary and grammar schools, providing the penalty for failure to use the State series of school text-books, authorizing such commissioners to appoint a secretary and fixing his compensation, prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book or number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation to be known as the text-book appropriation, and specifying the uses to which it may be put, directing of what funds the

State School-Book Fund shall consist, and prescribing the use of the moneys in said fund, amending Section 1519 of the Political Code, relating to the State Board of Education continuing the present law for the distribution of State school text-books.

CLIO LLOYD, Chief Clerk.

By T. W. HEATHERLY, Assistant.

Assembly Bill No. 320 read first time, and referred to Committee on Elections and Election Laws.

Assembly Bill No. 159 read first time, and referred to Committee on Finance.

Assembly Bill No. 599 read first time, and referred to Committee on Finance.

Assembly Bill No. 662 read first time, and referred to Committee on Elections and Election Laws.

Assembly Bill No. 3 read first time, and referred to Committee on Finance.

Assembly Bill No. 5 read first time, and referred to Committee on Finance.

Assembly Bill No. 694 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 347 read first time, and, on motion of Senator Coggins, ordered on file without reference to committee.

Assembly Bill No. 480 read first time, and referred to Committee on Finance.

Assembly Bill No. 476 read first time, and referred to Committee on Finance.

Assembly Bill No. 4 read first time, and referred to Committee on Finance.

Assembly Bill No. 477 read first time, and, on motion of Senator Curtin, ordered on file without reference to committee.

Assembly Bill No. 373 read first time, and referred to Committee on Finance.

Assembly Bill No. 390 read first time, and referred to Committee on Finance.

Assembly Bill No. 400 read first time, and referred to Committee on Finance.

Assembly Bill No. 364 read first time, and referred to Committee on Finance.

Assembly Bill No. 365 read first time, and referred to Committee on Finance.

Assembly Bill No. 469 read first time, and referred to Committee on Finance.

Assembly Bill No. 494 read first time, and referred to Committee on Finance.

Assembly Bill No. 425 read first time, and referred to Committee on Finance.

Assembly Bill No. 552 read first time, and referred to Committee on Finance.

Assembly Bill No. 420 read first time, and, on motion of Senator Curtin, ordered on file without reference to committee.

Assembly Bill No. 479 read first time, and referred to Committee on Finance.

Assembly Bill No. 507 read first time, and referred to Committee on Finance.

Assembly Bill No. 923 read first time, and referred to Committee on Corporations.

Assembly Bill No. 514 read first time, and referred to Committee on County Government.

Assembly Bill No. 376 read first time, and referred to Committee on Finance.

Assembly Bill No. 49 read first time, and referred to Committee on County Government.

Assembly Bill No. 474 read first time, and referred to Committee on Fruit and Vine Interests.

Assembly Bill No. 310 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 352 read first time, and referred to Committee on Library.

Assembly Bill No. 584 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 37 read first time, and referred to Committee on Education.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit.

Also: Senate Bill No. 71—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same.

Also: Senate Bill No. 352—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said code by an Act approved March 23, 1901.

Also: Senate Bill No. 254—An Act to amend Section 686 of the Penal Code of the State of California, relating to punishment for second offenses.

Also: Senate Bill No. 256—An Act to repeal Section 667 of the Penal Code of the State of California, in reference to punishment for second offenses.

Also: Senate Bill No. 236—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Also: Senate Bill No. 50—An Act to amend the Code of Civil Procedure of the State of California by adding thereto seven new sections, to be numbered 1060, 1061, 1062, 1062a, 1062b, 1062c, 1062d, to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successor or assigns of such transferee or grantee may sell, incur, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee or grantee or pledgee of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court or admitted, and to provide for entry of judgment in said action upon the said undertaking.

Also: Senate Bill No. 58—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking, in case any objection made is sustained by the court or admitted.

Also: Senate Bill No. 93—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of

acknowledgment, the notice such recordation shall impart and to the effect as evidence of certified copy of the records of the same.

Also: Senate Bill No. 510—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Also: Senate Bill No. 24—An Act to appropriate the sum of \$250 to pay the claim of Thomas D. Riordan against the State of California, for professional services and advice in the case of D. B. Murphy vs. Charles F. Curry, Secretary of State, involving the question as to whether name of person nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the State Board of Examiners.

CLIO LLOYD, Chief Clerk.

By T. W. HEATHERLY, Assistant.

Senate Bills Nos. 85, 71, 352, 254, 256, 236, 50, 58, 93, 510, and 24 ordered to enrollment.

WITHDRAWAL OF BILLS.

Senator Curtin asked for and was granted unanimous consent to withdraw Senate Bills Nos. 267, 268, and 7.

Senate Bills Nos. 267, 268, and 7 withdrawn, and ordered stricken from the file.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Bill No. 319.

Senate Bill No. 319 withdrawn, and ordered stricken from the file.

BILL RECALLED FROM COMMITTEE AND RE-REFERRED.

Senator Bauer moved that Assembly Bill No. 261 be recalled from Committee on Corporations and referred to Committee on Public Health and Quarantine.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 600—An Act to authorize and empower the Board of State Harbor Commissioners to pay the claim of Christopher McNulty for the sum of \$1,500 against the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Finance.

WELCH, Chairman.

Senate Bill No. 600 re-referred to Committee on Finance.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 333—An Act to provide for the proper sanitary construction, equipment, and inspection of bakeshops, kitchens, and all other premises used in the cooking of any article of food for public sale or consumption; for the appointment of a bakeshop and kitchen inspector, and providing a salary therefor, and imposing penalties for the violation of its provisions.

Also: Assembly Bill No. 181—An Act to amend Section 1203 of the Code of Civil Procedure of the State of California, as approved March 23, 1893, relating to mechanics' liens, and providing for the furnishing and filing of a bond by the contractor in at least twenty-five per cent of the contract price, to inure to the benefit of all persons who perform labor for or furnish materials to the contractor.

Also: Assembly Bill No. 424—An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers, or the officers and employers of State institutions.

Have had the same under consideration, and respectfully report the same back, and recommend that said bills do pass.

Also: Senate Bill No. 587—An Act to protect the lives and property of the traveling public and the employes of the railroads in the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

FRENCH, Chairman.

Assembly Bills Nos. 333, 181, and 424, and Senate Bill No. 587 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 34—An Act to pay the claim of C. W. King, and making an appropriation therefor. Also: Senate Bill No. 661—An Act appropriating \$1,000 to erect a warehouse for the storage of jute at the State Prison at San Quentin, California.

Also: Senate Bill No. 189—An Act making appropriation of the sum of \$10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco.

Also: Senate Bill No. 657—An Act authorizing the State of California to accept a deed from Henry Cowell of certain land in the County of Mendocino, to be known as "Rowland Cowell Park," on certain conditions.

Also: Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Also: Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building, to be used for patients and office purposes, at the Southern California State Hospital, and to make appropriation for the same.

Also: Assembly Bill No. 124—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California.

Also: Senate Bill No. 183—An Act to provide for purchasing land for the State fish-hatchery at Sisson, in Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.

Also: Senate Bill No. 258—An Act making an appropriation of \$250,000 for the construction of a building to be erected by the Regents of the University of California in Alameda County, on the grounds of the University, for the accommodation of the students of the University; also providing for the time of payment thereof and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Assembly Bill No. 318—An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage by the State Board of Examiners, and to appropriate money therefor.

Also: Senate Bill No. 366—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Also: Senate Bill No. 397—An Act to appropriate the sum of \$257.05 to pay the claim of Dr. C. H. Blemmer, for money due and owing the said Dr. C. H. Blemmer from the State of California.

Also: Senate Bill No. 438—An Act to amend "An Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March 9, 1887.

Also: Assembly Bill No. 538—An Act making an appropriation to pay the deficiency in the appropriation for care of State armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant-General, for the fifty-third fiscal year.

Also: Senate Bill No. 547—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at the "Lewis and Clark Centennial Exposition," at Portland, Oregon, in 1905, and providing for the installing of an exhibit of the products of California therein, and providing for the appointment of a commissioner to carry this Act into effect, and providing also for compensation and the expenses of said commissioner and secretary.

Also: Assembly Bill No. 557—An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Also: Senate Bill No. 621—An Act making an appropriation to pay the claim of James L. McCarthy against the State of California.

Also: Senate Bill No. 637—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 651—An Act to pay the claim of James T. Boyd.

Also: Senate Bill No. 670—An Act making an appropriation for traveling expenses of the Attorney-General for the remainder of the fifty-fourth fiscal year.

Also: Assembly Bill No. 756—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Surveyor-General's office for the remainder of the fifty-fourth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 264—An Act to appropriate \$40,000 out of any money in the State Treasury not otherwise appropriated, to permanently drain Lake Earl, in Del Norte County.

Also: Assembly Bill No. 297—An Act to appropriate the sum of \$50,000 for the purpose of putting, as near as possible, the attic and dome of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto, including iron stairs and platform to reach lantern on dome.

Also: Senate Bill No. 407—An Act making an appropriation of \$22,000 for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Senate Bill No. 582—An Act to appropriate the sum of \$10,000 for the purpose of equipping the attic of the State Capitol with automatic fire-sprinkler protection, and providing necessary water supplies for same.

Also: Senate Bill No. 634—An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties and compensation, and to provide methods, means and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXXXI of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891.

Also: Senate Bill No. 656—An Act to provide for the preservation, improvement and maintenance of the "California Redwood Park" in Santa Cruz County, and making an appropriation therefor.

Also: Senate Bill No. 548—An Act to appropriate the sum of \$50,000 for the purpose of putting, as near as possible, the attic and dome of the State capital in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto, including iron stairs and platform to reach lantern on dome.

Also: Senate Bill No. 20—An Act to appropriate \$25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Also: Senate Bill No. 54—An Act to appropriate \$2,519.88 to pay the claim of Mrs. S. L. Bee for interest upon bonds issued by the Treasurer of the State of California under the provisions of the Act of the Legislature of the State of California entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians," approved May 3, 1852, represented by coupons 3, 4, and 5 of the following bonds: Bonds for \$1,000 each and numbered, respectively, 63, 64, 65, 66, 67, 77, 85, 94, 95, 101, and 284; bonds for \$500 each and numbered, respectively, 57, 109, 176, and 185; bonds for \$100 each and numbered, respectively, 10, 11, 77, 79, and 105.

Also: Senate Bill No. 110—An Act to provide for building, equipping, and furnishing one cottage for male patients at the Southern California State Hospital, and to make an appropriation for the same.

Also: Senate Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California, and to appropriate money therefor.

Also: Senate Bill No. 164—An Act to provide for the payment of the salary of the Secretary of the State Engineer for the forty-first, forty-second, and forty-third fiscal years.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

DEVLIN, Chairman.

Senate Bills Nos. 661, 189, 657, 183, 258, 366, 397, 438, 547, 621, 637, 651, 670, 264, 407, 582, 634, 656, 548, 20, 54, 110, 131 and 164, and Assembly Bills Nos. 38, 10, 43, 124, 318, 538, 557, 756, and 297 ordered on file.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 19, 1903.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to Section 10 of Article XIII of the Constitution of the State of California, in relation to revenue and taxation—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Constitutional Amendment No. 18—To propose to the people of the State of California, an amendment to the Constitution of the State, amending Section 2 of Article IV thereof, relating to the sessions of the Legislature.

Also: Senate Constitutional Amendment No. 17—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 23 of Article IV thereof, relative to the compensation of members of the Legislature.

Have had the same under consideration, and respectfully report the same back, and recommend that they be not adopted.

Also: Senate Constitutional Amendment No. 12—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 17 of Article VI thereof, relating to the compensation of Justices of the Supreme Court and of Judges of the Superior Court.

Also: Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XIII of the State Constitution by adding thereto a new section, to be numbered 13½, relative to exemption of shipping from taxation.

Have had the same under consideration, and respectfully report the same back without recommendation.

WARD, Chairman.

Assembly Constitutional Amendment No. 5 and Senate Constitutional Amendments Nos. 18, 17, 12, and 11 ordered on file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 314—An Act to add a new section to the Penal Code of the State of California, to be numbered 373a, making a continuance of a public nuisance after notice from a Health Officer or District Attorney to remove or abate the same a misdemeanor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BAUER, Chairman.

Assembly Bill No. 314 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 546—An Act to amend Section 14 of the Civil Code of the State of California.

Also: Assembly Bill No. 40—An Act to amend Subdivision 5 of Section 542 of the Code of Civil Procedure of the State of California, relating to the attachment of real and personal property and directing how growing crops may be attached.

Also: Assembly Bill No. 100—An Act to amend Section 328 of the Code of Civil Procedure of California, relating to the time of commencing actions for the recovery of real property.

Also: Assembly Bill No. 493—An Act to amend Article VI of Chapter XIV of Title II of Part III of the Code of Civil Procedure of the State of California by adding thereto a new section, to be numbered 1810, relating to the sale of real estate by guardians of incompetent persons in certain cases, and providing procedure under which contracts for the sale of real estate made by persons prior to becoming incompetent may be carried into effect or otherwise disposed of.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 617—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 883½, relating to trial by jury in justices' courts.

Also: Senate Bill No. 340—An Act to prevent delay in judicial proceedings.

Also: Assembly Bill No. 35—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings," approved March 23, 1876.

Also: Senate Bill No. 557—An Act to amend Section 686 of the Penal Code, relating to the rights of defendant in a criminal action.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

LUKENS, Chairman.

Assembly Bills Nos. 546, 40, 100, 493, and 35, and Senate Bills Nos. 617, 380, and 557 ordered on file.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 23, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 654—An Act to amend Section 3514 of Article IV of the Political Code, relating to public lands.

Also: Senate Bill No. 662—An Act to appropriate \$5,000 to be expended by the Regents of the University of California, through the Departments of Agriculture and Zoölogy, in making experiments leading to the destruction of ground squirrels, gophers, and jack-rabbits, or hares.

Also: Assembly Bill No. 134—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Have had the same under consideration, and respectfully report the same back, and recommend that each of said bills do pass.

BYRNES, Chairman.

Senate Bills Nos. 654 and 662, and Assembly Bill No. 134 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 680—An Act to amend Section 1577 of the Political Code of California, relating to the formation of new school districts.

Also: Senate Bill No. 671—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by County Boards of Education.

Also: Senate Bill No. 599—An Act to amend Section 1791 of the Political Code of the State of California, relating to public schools.

Also: Assembly Bill No. 300—An Act to amend Section 1817 of the Political Code, relating to the duties of County Superintendents of Schools.

Also: Assembly Bill No. 332—An Act to provide for the change of name of school districts and the manner of making such change.

Also: Assembly Bill No. 816—An Act supplemental to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, concerning the resignation, relinquishment or surrender of rights, powers, privileges and duties reserved to or vesting in the founder or founders, surviving founder, or wife or widow of any founder, of any institution created or founded under or pursuant to said Act, and concerning the assumption and exercise of powers and duties by the trustee or trustees of such institution.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code of the State of California, relating to County Boards of Education—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 601—An Act to amend "An Act to provide for the establishment of cosmopolitan schools in the City and County of San Francisco," approved March 30, 1874, by adding a new section relating to the election, qualifications and certificates of special teachers in said schools—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to San Francisco Delegation.

Also: Senate Bill No. 330—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, subject to the consideration of the Committee on Finance.

ROWELL, Chairman.

Assembly Bills Nos. 300, 332, 816, and 345, and Senate Bills Nos. 680, 671, and 599 ordered on file.

Senate Bill No. 601 referred to San Francisco Delegation.

Senate Bill No. 330 referred to Committee on Finance.

BILLS RECALLED FROM ENGROSSMENT FOR THE PURPOSE OF AMENDMENT.

Senator Sanford moved that Senate Bills Nos. 22 and 27 be recalled from engrossment for the purpose of amendment.

Motion carried.

Senate Bill No. 22—An Act to appropriate \$35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital; to

purchase furniture and furnish the building so to be erected by the Board of Managers of said State Hospital; to appropriate money therefor and provide for the expenditure of the same.

Bill having been recalled from engrossment for the purpose of amendment, and still open to amendment, the following amendments were offered:

By Senator Sanford:

Amend by striking out of the title the word "thirty-five," and inserting in lieu thereof the word "thirty."

Amendment adopted.

Also:

Amend by striking out of section one, line three, page one, the word "thirty-five," and in lieu thereof inserting the word "thirty."

Amendment adopted.

Also:

Amend by striking out of section six, lines one and two, page two, the words "and be in force from and after its passage," and in lieu thereof inserting the following: "July 1, 1904."

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

Senate Bill No. 37—An Act to appropriate the sum of \$15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

The bill having been recalled from engrossment for the purpose of amendment, and still open to amendment.

The following amendments were offered:

By Senator Sanford:

Amend by striking out of the title "fifteen thousand," and inserting in lieu thereof the following: "seven thousand five hundred."

Amendment adopted.

Also:

Amend by striking out of section one, line three, page one, the words "fifteen thousand," and in lieu thereof inserting the following: "seven thousand five hundred."

Amendment adopted.

Also:

Amend by striking out of section five, lines one and two, page two, the words "and be in force from and after its passage," and inserting in lieu thereof the following: "July 1, 1903."

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

WITHDRAWAL OF BILLS.

Senator Coggins asked for and was granted unanimous consent to withdraw Senate Bill No. 213.

Senate Bill No. 213 withdrawn, and ordered stricken from the file.

Senator Ward asked for and was granted unanimous consent to withdraw Senate Bill No. 344.

Senate Bill No. 344 withdrawn, and ordered stricken from the file.

BILL RECALLED FROM COMMITTEE AND ORDERED ON FILE.

Senator Ward moved that Assembly Bill No. 537 be recalled from the Committee on Judiciary and ordered on file.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bills Nos. 792 and 793 having been made a special order for this hour, the same were taken up.

Senate Bill No. 792—An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such election; and providing for the punishment of all violations of the provisions of this Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 793—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting.

Bill read second time, considered engrossed, and ordered on file for third reading.

At eleven o'clock and twelve minutes A. M., Hon. C. M. Belshaw, State Senator from the Eleventh Senatorial District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bill No. 561 having been set as a special order for this hour, the same was taken up.

Senate Bill No. 561—An Act to repeal an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901.

Read third time.

During the debate on the passage of the bill, the following communication was introduced by Senator Caldwell, and, on his motion, read and ordered printed in the Journal:

BARBERS, ATTENTION!

At the present time there are before the Legislature bills in which your interests are at stake. Letters are coming from all parts of the State asking the barbers' organizations of the City of San Francisco to oppose the measures submitted by the State Board of Barber Examiners to the Senate.

The Master Barbers' Association and the Barbers' Protective Union of San Francisco have rallied to the call, and submit to you the following objections to these bills: If these bills are allowed to pass, any member of the State Board of Barber Examiners may come into your place of business, and, on the slightest pretense, declare it unsanitary, and, if they choose, close up your business for ninety days; and please remember that if once you are closed, ninety days must elapse before you can apply for a renewal of your license. Will you stand idly by and submit to this? In the second place, with the passage of this bill the Board of Examiners is made self-sustaining, which fact enables them to raise the price of your license according to their requirements; and remember that they have used over ten thousand dollars since the beginning of their present term. Under new conditions, then, you cannot be sure whether your license for the year will be one dollar or twenty. Why should you be required to renew before the first of January of each year a license to practice the trade of barbering when you have already by your ability and practice thereof procured a diploma entitling you to practice the craft? Does any other class of mechanics have to do so? Is it not a fact that this is class legislation, and in direct conflict to the Constitution of the State?

Inclosed with this circular, which we hope you will retain, you will find a petition, which we wish you, in the interests of the craft, to sign, and send on to Sacramento to your Assemblyman and Senator, asking them to guard your interests by doing all in their power, and voting against any and all bills before the Legislature regulating the practice of barbering in the State of California.

Yours respectfully,

WALTER J. YARROW,

Sec'y of Joint Committee, Master Barbers' Association
and Barbers' Protective Union, of San Francisco.

215 O'Farrell Street, San Francisco, Cal.

Also: During the debate on the passage of the bill, Senator Pendleton presented the following petition, which was, on his own motion, ordered printed in the Journal:

SACRAMENTO, February 18, 1903.

To the Honorable Senators of California:

We, the undersigned barbers of Sacramento, respectfully petition your honorable body not to repeal the barber law.

(Signed:) F. J. Walker, Wm. Tell House; Ed. W. Marks, Wm. Tell House; J. W. Blakely, Wm. Tell House; F. Martin, 603 J Street; Charles Plietzke, 926 J Street; A. A. Elliott, 524 J Street, and fifty others.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Caldwell moved a call of the Senate.

The question being on the motion for a call of the Senate.

The ayes and noes were demanded by Senators Smith, Caldwell, and Pendleton.

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Flint, French, Lardner, Luchsinger, Nelson, Oneal, Plunkett, Rowell, Smith, Tyrrell of San Francisco, and Ward—19.

NOES—Senators Knowland, Leavitt, Lukens, Pendleton, Selva, and Wolfe—6.

Time, eleven o'clock and fifty-five minutes A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Flint, French, Greenwell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Rowell, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, and Wolfe—27.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and fifty-eight minutes A. M., Senator Devlin was brought before the bar of the Senate and was, on motion of Senator Smith, excused for being absent from the Senate chamber.

At twelve o'clock M., Senator Ralston was brought before the bar of the Senate and was, on motion of Senator Caldwell, excused for being absent from the Senate chamber.

At twelve o'clock and one minute P. M., Senators Williams and Savage were brought before the bar of the Senate and, on motion of Senator Caldwell, excused for being absent from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and two minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Shortridge.

The roll of absentees was called.

Whereupon the acting President announced that Senate Bill No. 561 had been passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Flint, French, Lardner, Luchsinger, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Smith, Ward, Welch, and Williams—23.

NOES—Senators Devlin, Greenwell, Hahn, Knowland, Leavitt, Lukens, Pendleton, Selva, Shortridge, Tyrrell of San Francisco, Wolfe, and Woodward—12.

Title read and approved.

Bill ordered transmitted to the Assembly.

EXPLANATION.

The following explanation was offered by Senator Curtin:

I voted "no" on Senate Bill No. 561, but through error my vote was recorded "aye," a fact I did not discover until the vote was announced. I therefore take this means of having my position correctly stated.

J. B. CURTIN.

RECEPTION OF THE COMMANDER-IN-CHIEF OF THE GRAND ARMY OF THE REPUBLIC.

At twelve o'clock and five minutes P. M., the committee appointed to receive General Thomas J. Stewart, Commander-in-Chief of the Grand Army of the Republic, announced his arrival at the Senate chamber.

On motion of Senator Belshaw the committee escorted General Stewart to the rostrum, when he was introduced to the Senate by Lieutenant-Governor Alden Anderson, President of the Senate, with appropriate remarks.

The General responded feelingly, and concluded by thanking the Senate in the name of the Grand Army of the Republic.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Luchsinger asked for and was granted unanimous consent to have Senate Bill No. 375 taken up for immediate consideration.

Senate Bill No. 375—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the word "ten," in section two, in line one, second page, printed bill, and inserting in lieu thereof the word "three."

Amendment adopted.

Also:

Amend by striking out the figures "10,000," in line one, page two, and inserting in lieu thereof the figures "3,000."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

At twelve o'clock and fifteen minutes P. M., Hon. Joseph R. Knowland, State Senator from the Fourteenth Senatorial District, in the chair.

BILLS RECALLED FROM ENGROSSMENT FOR THE PURPOSE OF AMENDMENT.

Senator Hahn moved that Senate Bill No. 243 be recalled from engrossment for the purpose of amendment.

Motion carried.

Senate Bill No. 243—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Bill having been recalled from engrossment for the purpose of amendment, and still open to amendment, the following amendments were offered:

By Senator Hahn:

Amend section one, line one, page one, by inserting between the word "persons" and the word "not" the words "resident of the State of California and owning insurable property therein."

Amendment adopted.

Also:

On page one, section one, line nine, insert after the word "corporation" the following: "Such persons shall file with the Insurance Commissioner a declaration of their intention to incorporate for the purposes expressed in section one of this Act, which declaration shall be signed by all the incorporation, and shall contain a copy of the articles of incorporation to be adopted. The Insurance Commissioner shall examine the proposed articles of incorporation, and if they conform to this Act he shall deliver to such persons a certificate permitting them to incorporate as such insurance corporation, the Insurance Commissioner's fee therefor shall be ten dollars. Such certificate shall be directed to the clerk of the county in which such corporation is proposed to be organized, and shall contain a copy of the proposed articles of incorporation. Upon filing with the Secretary of State the certified copies of the duly executed articles of incorporation as required by section two hundred and ninety of the Civil Code of the State of California, and of the certificates above provided for, the Secretary of State shall thereupon issue a certificate of incorporation to such corporation, and upon organizing under such articles of incorporation, such corporation may engage in fire insurance business as in this Act provided. The by-laws and all amendments hereto shall be filed with the Insurance Commissioner within sixty (60) days after their adoption. For filing such articles of incorporation the Secretary of State shall be entitled to a fee of fifteen dollars, and for recording the same such fee as is now provided by law."

Amendment adopted.

Also:

On page two, section two, line eleven, insert between the words "any" and "risk" the word "one."

Amendment adopted.

Also:

On page two, section two, line eleven, insert between the words "risk" and "upon" the word "whether."

Amendment adopted.

Also:

On page two, section three, line eleven, strike out the words "for each separate risk that he holds," after the word "upon."

Amendment adopted.

Also:

Strike out of section five, line three, page two, the word "five" after the word "given," and in lieu thereof insert the word "thirty." Also, on page two, section five, line eleven, insert between the words "days" and "notice" the word "written."

Amendment adopted.

Also:

Amend section five, line four, page three, by inserting between the words "paying" and "all" the words "his share of all losses which shall have occurred at the end of the time specified in notice, and." Also, on page three, section five, line four, insert after the word "due" the word "accrued."

Amendment adopted.

Also:

Amend section three, line five, page eleven, after the word "written" by adding the following: "Members of such corporation shall be liable on obligations of the corporation as provided in Section 322 of the Civil Code."

Amendment adopted.

Also:

On page four, section eight, line twenty, insert between the words "paid" and "officers" the words "in detail to."

Amendment adopted.

Also:

Strike out the word "and" between the words "officers" and "directors."

Amendment adopted.

Also:

Insert the word "agent" between the words "directors" and "and."

Amendment adopted.

Also:

Strike out the words "office help" between the words "and" and "during," and insert in lieu thereof the following word: "employés."

Amendment adopted.

Also:

On page four, section eight, line twenty-six, insert the following: "Sixth—The number of new members obtained during the year and the total membership."

Amendment adopted.

Also:

On page four, section nine, line twenty-one, strike out the word "enjoin," and insert in lieu thereof the word "revoke."

Amendment adopted.

Also:

In line twenty-two, section nine, page four, strike out the word "enjoin," and insert the words "revoke the authority of" in lieu thereof. Also, in lines twenty-two and twenty-three of section nine, page four, strike out the words "from making any further contracts of insurance," and insert in lieu thereof the words "to do business and shall not restore such authority."

Amendment adopted.

Bill read, ordered to print, engrossment, and third reading.

Senator Devlin moved that Senate Bill No. 602 be recalled from engrossment for the purpose of amendment.

Motion carried.

Senate Bill No. 602—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 169 thereof, relating to counties of the twelfth class.

Bill having been recalled from committee for the purpose of amendment, and still open to amendment, the following amendments were offered:

By Senator Devlin:

Amend the title by striking out all of said title after the words "purpose of" in line two of printed bill, and inserting in lieu thereof the following: "resetting and repairing the steam pipes and radiators now in the Capitol, and for laying the necessary new pipes and placing the necessary new radiators in the several rooms and corridors to properly heat said rooms and corridors of the Capitol by steam."

Amendment adopted.

Also:

Amend by striking out all the words after the word "expended" in line three of section one, printed bill, and inserting in lieu thereof the following: "under the direction of the Secretary of State, for the purpose of resetting and repairing the steam pipes and radiators now in the Capitol, and for laying the necessary new pipes and placing the necessary new radiators in the several rooms and corridors to properly heat said rooms and corridors of the Capitol by steam."

Amendment adopted.

Also:

Amend by striking out the words "of the Secretary of State," in line three of section two, printed bill, and inserting in lieu thereof the following: "of the person or persons performing the work under the direction of the Secretary of State, their claims having been allowed by the State Board of Examiners."

Amendment adopted.

Bill read, ordered to print, engrossment, and third reading.

Senator Pendleton moved that Senate Bill No. 39 be recalled from engrossment for the purpose of amendment.

Motion carried.

Senate Bill No. 39—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' Bank from the State of California.

Bill having been recalled from engrossment for the purpose of amendment, and still open to amendment, the following amendment was offered: By Senator Pendleton :

Amend by adding a new section thereto, as follows:

"SEC. 3. This Act shall take effect January 1st, 1904."

Amendment adopted.

Bill read, ordered to print, engrossment, and third reading.

Senator Woodward asked for and was granted unanimous consent to have Senate Joint Resolution No. 12 taken up for immediate consideration.

SENATE JOINT RESOLUTION No. 12.

Relative to a bill pending in the Congress of the United States establishing a library post.

WHEREAS, A bill on library post has been introduced in Congress by Honorable Henry Cabot Lodge and Honorable G. P. Lawrence whereby books from libraries supported wholly or in part by taxation or tax exemption may pass through the mails at one cent a pound, rates now granted to newspapers and magazines; and

WHEREAS, Said bill has the approval and support of many library, educational and other bodies and persons in California and throughout the United States, and said bill is believed to be important and necessary to effective, economic, and progressive library administration;

Resolved, That the Legislature of California hereby commends said bill to the earnest and immediate support of its Senators and Representatives in Congress.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 12 adopted by the following vote:

AYES—Messrs. Belshaw, Byrnes, Coggins, Corlett, Curtin, Devlin, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Rowell, Sanford, Selva, Shortridge, Smith, Ward, and Woodward—23.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Pendleton:

Resolved, That Senators Coggins, Pendleton, Smith, Knowland, Oneal, Muentner, and Sanford be and they are hereby authorized to visit the State Hospital at Stockton and the State Hospital at Agnews, in order that the needs of these institutions may be thoroughly inquired into, and that they be allowed their actual expenses.

Resolution read and adopted.

Senator Nelson asked for and was granted unanimous consent to have Senate Bill No. 330 taken up for immediate consideration.

Senate Bill No. 330—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the word "twenty" in section one, line one, first page, printed bill, and inserting in lieu thereof the word "five."

Amendment adopted.

Also:

Amend by striking out the figures "20,000" in section one, line one, page one, and inserting in lieu thereof the following: "5,000."

Amendment adopted.

Also:

After the word "year," in line two, add the words "for the next two fiscal years."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

REPORTS OF STANDING COMMITTEES -(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 577—An Act to add a new section to the Political Code, to be numbered 1003a, relating to terms of office.

Also: Senate Bill No. 440—An Act regulating the business of abstracting, searching, and certifying to the public records of the several counties of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

LUKENS, Chairman.

Senate Bills Nos. 577 and 440 ordered on file.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 21—An Act relating to ferries across navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WELCH, Chairman.

Assembly Bill No. 21 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 267—An Act to appropriate the sum of \$290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Senate Bill No. 268—An Act to appropriate the sum of \$1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker, based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, A. D. 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Senate Bill No. 299—An Act making an appropriation to pay the judgment of \$1,125 rendered in and by the Superior Court of the State of California, in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, versus The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. "3" of judgments of the Superior Court of Calaveras County, page 333.

WELCH, Acting Chairman.

Senate Bills Nos. 267, 268, and 299 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 162—An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway.

Also: Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

Also: Senate Bill No. 111—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 369—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park, in San Mateo County, State of California, on lands belonging to the University of California known as the "Flood property," and to appropriate money therefor.

Also: Senate Bill No. 273—An Act for the relief of Charles D. Douglas.

Also: Senate Bill No. 38—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 345—An Act to provide for the location, construction and maintenance of a State highway from a point on the California & Oregon Railroad, near the mouth of Slate Creek, in Shasta County; thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth; thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor.

Also: Senate Bill No. 43—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back with amendments, without recommendation.

Also: Senate Bill No. 318—An Act making an appropriation for the erection of a workshop at the "Industrial Home of Mechanical Trades for the Adult Blind."

Also: Senate Bill No. 381—An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort.

Also: Senate Bill No. 394—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California.

Also: Senate Bill No. 395—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

Also: Senate Bill No. 631—An Act to make an appropriation to pay the claim of the T. W. Spring Company.

Also: Senate Bill No. 12—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

Also: Senate Bill No. 18—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras river, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Also: Senate Bill No. 19—An Act directing the State Board of Harbor Commissioners to construct a certain portion of the harbor embankment, or seawall, of the port of San Francisco.

Also: Senate Bill No. 23—An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State.

Also: Senate Bill No. 25—An Act to build and provide for the furnishing of a cottage upon the grounds of the Agnews State Hospital, and to appropriate money therefor.

Also: Senate Bill No. 29—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

Also: Senate Bill No. 91—An Act making an appropriation to pay the claim of George C. Graves for services rendered and expenses incurred in the extradition of James William Martin from the State of Oregon.

Also: Senate Bill No. 167—An Act to reimburse the Durham Fund for money borrowed from said fund by the Directors of the Deaf, Dumb and Blind Asylum, and expended in erecting a hospital for the safety and comfort of the pupils of said asylum.

Also: Senate Bill No. 193—An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage, by the State Board of Examiners, to appropriate money therefor, and to state the time when such portrait must be commenced.

Also: Senate Bill No. 120—An Act to appropriate the sum of \$2,000 to pay for stationery, fuel, lighting, and other necessary supplies for the Legislature and State officers, to be used during the remainder of the fifty-fourth fiscal year.

Have had the same under consideration, and respectfully report the same back, and recommend that the authors thereof withdraw the same.

DEVLIN, Chairman.

Senate Bills Nos. 162, 111, 345, 43, 360, 273, 38, 318, 381, 394, 395, 631, 12, 19, 23, 25, 29, 91, 167, 193, and 120, and Assembly Bill No. 23, ordered on file.

WITHDRAWAL OF BILL.

Senator Muentner asked for and was granted unanimous consent to withdraw Senate Bill No. 18.

Consent granted, bill withdrawn and ordered stricken from the file.

RECESS.

At twelve o'clock and thirty minutes P. M., the acting President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

SPECIAL FILE—ASSEMBLY BILLS.

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XX of said Constitution by adding thereto a section, to be numbered Section 21, and relating to appointments, transfers, promotions, and removals of officers and employes of the State, its cities and political subdivisions.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 6 refused adoption by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Curtin, Devlin, Flint, Greenwell, Hahn, Hubbell, Lardner, Luchsinger, Lukens, Oneal, Plunkett, Ralston, Sanford, Savage, and Tyrrell of Nevada—18.

NOES—Senators Bauer, Bunkers, Byrnes, Corlett, French, Knowland, Leavitt, Nelson, Pendleton, Rowell, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, and Williams—16.

On approval of Journal of this date, on order of Senate, March 3, 1903, explanation of roll call on Assembly Constitutional Amendment No. 6 is printed in Journal of March 3, 1903.

ASSEMBLY JOINT RESOLUTION No. 14.

Memorializing our Senators and Representatives in Congress to secure a reconsideration of the order of the Federal authorities transferring the Spanish archives from San Francisco to Washington, and to secure, if possible, the transfer of said archives to the State of California.

WHEREAS, The Secretary of the Interior, through the U. S. Land Commissioner at Washington, has directed the U. S. Surveyor-General at San Francisco to transfer the "Spanish archives" from San Francisco to Washington; and

WHEREAS, These archives embrace the records of the Spanish land grants which form the basis of most of the California land titles, military reports, records of early missions, proceedings of the alcalde courts, and a vast number of valuable manuscripts bearing upon the government and the people of early California under Spanish and Mexican rule, dating back to 1769, and are now, and have been long, an element in important litigation in California; and

WHEREAS, Congress by the Act of May 18, 1858, recognized the local importance of the archives by placing the books and manuscripts in charge of the Federal office for the District of California; and

WHEREAS, By reason of the importance of these books and documents in relation to the land titles of the State of California; by reason of the hardship that will result in many land matters in causing litigants and attorneys to go to Washington; and by reason of their peculiar historical and literary value, it is inexpedient and unwise to have the same transferred as contemplated; be it

Resolved, That the Legislature of California request the authorities at Washington to reconsider their action in ordering the transfer of the Spanish archives from San Francisco to Washington, and further requests the Senators and Representatives in Congress from California to use their best endeavors to secure such reconsideration.

Resolved further, That we urge said Senators and Representatives to secure an actual transfer of said Spanish archives from the National Government to the State of California, to the end that the same may be deposited in either the State Library at Sacramento or in the library of the University of California at Berkeley, and thus retain their proper relation to the State of California.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Assembly Joint Resolution No. 14 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Flint, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Plunkett, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Ward, Williams, and Wolfe—27.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

Assembly Bill No. 389—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 681—An Act making an appropriation to pay a deficiency in the costs and expenses of suit fund of the Attorney-General's office of California for the fifty-second and fifty-third fiscal years.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 138—An Act providing for an appropriation of \$5,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance.

Bill read second time, and ordered on file for third reading.

Assembly Concurrent Resolution No. 7—Relative to employment of joint legislative clerk.

On motion of Senator Belshaw, concurrent resolution referred to Committee on Judiciary.

Assembly Bill No. 103—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 643—An Act making an appropriation to pay the claim of A. W. North against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 535—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 675—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 499—An Act to amend Section 1359 of the Political Code of the State of California, relating to primary elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 262—An Act to amend Section 22 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof and the determination of their validity, and making provision for the payment of such bonds and the disposal of their proceeds.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 9—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 652—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 653—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes.

Bill read second time, and ordered on file for third reading.

BILLS RECALLED FROM ENGROSSMENT FOR THE PURPOSE OF AMENDMENT.

Senator Belshaw moved that Senate Bills Nos. 792 and 793 be recalled from engrossment for the purpose of amendment.

Motion carried.

Senate Bill No. 792—An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such election; and providing for the punishment of all violations of the provisions of this Act.

Bill having been recalled from engrossment for the purpose of amendment, and still open to amendment, the following amendments were offered:

By Senator Belshaw:

Amend page four, section four, line twenty-four of printed bill, by inserting before the words "and such machines" the following: "and allow of his reversing his vote in case of mistake or desire to change,"

Amendment adopted.

Also:

Amend on page six, section eleven, line six, by inserting after the word "recorded" the words "or received"

Amendment adopted.

Also:

Amend on page six, section twelve, line eight, by inserting at the end of the line the words "and receiving,"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.
Senate Bill No. 793—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting.

Bill having been recalled from engrossment for the purpose of amendment, and still open to amendment, the following amendments were offered:

By Senator Belshaw:

Amend subdivision four, section one, line sixty-three, page three, by inserting a comma after the word "tickets,"

Amendment adopted.

Also:

Amend section one, subdivision six, line one hundred and thirty-nine, page five, by inserting before the words "vote for," at the end of the line, the following: "if he votes the straight ticket of such party."

Amendment adopted.

Also:

Amend by inserting in the fourth line of instructions on ballot before the words "vote for" the following: "if he votes the straight ticket of such party."

Amendment adopted.

Bill read, ordered to print, engrossment, and third reading.

CONSIDERATION OF SPECIAL ORDER POSTPONED.

The consideration of report of special committee appointed to visit the State prisons having been made a special order for this hour, the same was, on motion of Senator Nelson, postponed until Thursday, February 26, 1903, at three o'clock and thirty minutes P. M., and made a special order for that date and hour.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bill No. 314 having been made a special order for this hour.

Senate Bill No. 314—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employés.

Read third time on a previous day, with the following amendment pending:

Senator Devlin moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

Amend section one, line three, by striking out all after the figures "1972" and inserting in lieu thereof the following: "An employer is bound to indemnify his employé for losses suffered by the latter in consequence of the negligence of a vice-principal of the employer. A vice-principal is one who the employer selects to perform for him any of the following duties: The furnishing of a reasonably safe place for doing the work, reasonably safe tools and appliances for the accomplishment of the work, the exercise of proper diligence in the employment of reasonably safe and competent men, or the adoption and promulgation of safe and proper rules for the conduct of the business. The fact that one employé is superior in authority to another does not have the effect of changing his relation as a fellow employé, where he is not a vice-principal. The mere fact that the function of one is to exercise supervision and control over some work undertaken by the employer which requires supervision and over subordinate employés engaged in that work, and where the other is not vested by the employer with any such power of direction or management, does not constitute such supervising employé a vice-principal. In order to constitute a superior employé a vice-principal, he must be one who is clothed with the control and management of a distinct department and not a mere separate piece of work in one of the branches of service in departments. When the business of the employer is of such great and diversified extent that it naturally and necessarily separates itself into departments of service, the individual placed by the employer in charge of these separate branches and departments of business and given entire and absolute control therein are vice-principals. The negligence of the vice-principal must be the proximate cause of the injury, and the injured employé must be free from negligence; the employer is not bound to indemnify his employé for losses suffered by the latter in consequence of the negligence of a fellow servant who is not a vice-principal as defined in this section. The employer is also bound to indemnify the injured employé if the former has neglected to use ordinary care in the selection of a capable employé."

Amend section two by striking out all after the figure "2" in line one, and in lieu thereof inserting: "All Acts or parts of Acts in conflict with this Act are hereby repealed."

Having been set as a special order for this hour, Senator Lukens moved that Senate Bill No. 314 be referred to Committee on Judiciary. Motion carried.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Luchsinger moved that the vote whereby Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Leavitt moved a call of the Senate.

Motion carried.

Time, four o'clock P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muenter, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, Williams, and Wolfe—30.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At four o'clock and three minutes P. M., Senators Emmons and Devlin were brought to the bar of the Senate, and, on motion of Senator Leavitt, were excused for being absent from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At four o'clock and five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the President pro tem. announced that the motion to reconsider had carried by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Curtin, Devlin, Emmons, Flint, French, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Plunkett, Sanford, Selvaige, Tyrrell of San Francisco, Ward, Welch, and Wolfe—22.

NOES—Senators Bauer, Byrnes, Greenwell, Hahn, Oneal, Ralston, Rowell, Savage, and Williams—9.

Senator Belshaw moved that Senate Bill No. 304 be re-referred to Committee on Judiciary.

Motion carried.

Senate Bill No. 304 re-referred to Committee on Judiciary.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Oneal asked for and was granted unanimous consent to have Senate Bill No. 153 taken up for immediate consideration.

Senate Bill No. 153—An Act to appropriate money to pay the claim of F. W. Moore for blankets supplied the State militia of the State of California during the Spanish-American War.

Read third time.

Senator Oneal moved to refer to Senator Sanford, as a special committee of one, to amend as follows:

By striking out of section one, page one, the words "Spanish-American War," and inserting in lieu thereof the following: "railroad strike of 1895." Also, strike out of the title thereof the words "Spanish-American War," and insert the following: "railroad strike of 1895."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 153, with instructions to amend, respectfully reports the same back amended as per instructions.

SANFORD, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senator Savage asked for and was granted unanimous consent to have Senate Bill No. 887 taken up for immediate consideration.

Senate Bill No. 887—An Act to amend Sections 3, 4, and 6 of an Act entitled "An Act to create a firemen's relief, health and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State of California," which Act became a law under the provisions of the Constitution, without the Governor's approval.

Bill read second time, considered engrossed, and ordered on file for third reading.

SPECIAL ORDER SET.

On motion of Senator Savage, the further consideration of Senate Bill No. 887 was made a special order for Thursday, February 26, 1903, immediately after the reports of standing committees.

MOTION TO RECONSIDER.

In compliance with the notice given by Senator Pendleton yesterday, Senator Sanford moved that the vote whereby Senate Bill No. 320—An Act to create the office of sheep inspector for the State of California, to provide for the appointment and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Curtin, Devlin, Flint, Greenwell, Hahn, Knowland, Lardner, Lukens, Muentner, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Tyrrell of San Francisco, Ward, and Williams—22.

NOES—None.

On motion of Senator Sanford, Senate Bill No. 320 was ordered placed at the head of the file for third reading of bills.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received:

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 351—An Act to declare the ownership of and provide for and regulate the diversion, distribution, and use of waters of flowing streams in this State, and the abandonment and forfeiture of such rights, defining and limiting riparian rights, limiting the right to injunction to prevent the beneficial use of water, providing for the acquisition of rights of way for canals, ditches, and pipe lines, providing penalties for violation of this Act, and the unlawful diversion or use of water, establishing a State Board of Engineers, abolishing the offices of Commissioner of Public Works and Auditing Board to the Commissioner of Public Works, and transferring the powers and duties of the Commissioner of Public Works and Auditing Board to the Commissioner of Public Works, and fixing their compensation, providing for the fixing of rates and compensation for the use of water sold, rented, or distributed to the public in this State other than in any city, county, or town therein, and the procedure therefor, compelling persons, corporations, and companies supplying water to keep their plants and systems in repair and requiring annual reports from them to said board of engineers, providing for the appointment and compensation of deputies and assistants to said board of engineers, limiting the expenses of such board and its deputies and assistants, and providing for the payment thereof, requiring such board of engineers to ascertain, determine, and make record of the flow of streams, and make gaugings thereof, and to ascertain and report the quantity of riparian lands on each stream, the amount of water used and needed for the irrigation thereof, and the appropriations of water upon each of the streams, the amount thereof, and when each was made, and to make and file maps and reports showing such riparian lands, use of water thereon, and such appropriations, and fixing and defining the unit of measurement of water, fixing the rules and rights of priority in the use of water, authorizing the State to take over and acquire title to water rights and water works, subjecting the appropriation of water to Acts of Congress, providing for storage of flood waters, in certain cases, fixing the place of residence of the chief engineer of said board of engineers and of the office of said board, and the times of its regular meetings, and repealing Title VIII of the Civil Code of this State, Sections 1410 to 1421, inclusive, and the Act of the Legislature of this State, approved March 12, 1885, entitled "An Act to regulate and control the sale, rental, and distribution of appropriated water of this State other than in any city, county, or town therein, and to secure the rights of way for the conveyance of such water to places of use," and an Act of the Legislature of this State, approved March 23, 1901, entitled "An Act fixing and defining a miner's inch of water," and all other laws and parts of laws in conflict with this Act—beg leave to report that they have given the same careful consideration; that every opportunity was given both the advocates and opponents of this measure to discuss the same before your committee.

The irrigation law proposed is so far-reaching in its consequences and so momentous to the interests of the people of the State of California that your committee considered that its report should embrace some of the reasons for reporting adversely to the bill.

Memorials have been received by the committee in opposition to the measure from the Los Angeles Chamber of Commerce; Southern California Fruit Exchange, repre-

senting 4,000 fruit-growers: Santa Ana Chamber of Commerce, representing 2,000 irrigators; Alta Irrigation District, the Hanford Chamber of Commerce, the Municipal League of San Francisco, the mass meeting held in Riverside on December 25th, and the mass meeting held at San Francisco on February 8, 1903. Petitions and remonstrances against the bill were received from twenty different districts in the State of California, embracing every part of the State. Said petitions numbered several thousand names and purported to represent 36,764 acres of irrigated land. These petitions make it manifest that the measure does not meet with popular approval. Your committee considered the bill to be revolutionary in character, inasmuch as it destroys the local self-control over the water supplies of the different hydrographic basins, and places said control in the hands of a State Board of Engineers, with the avowed purpose of readjusting the right to the use of all water in the streams of the State.

The State Board of Engineers under the terms of the bill are endowed with judicial as well as administrative powers; to them is given the right to determine the amount of water which each irrigator is entitled to and deprive them of what the board might, in its own opinion, deem surplus water, thus interfering with what the irrigators of this State now consider to be their vested rights. The result of such adjudication by the Board of Engineers would inevitably precipitate a vast amount of litigation upon our courts, entailing enormous expenditure to our citizens.

The powers of the Board of Engineers in determining such rights is not sufficiently judicial in character to grant a full and free hearing of every water right which they would under the terms of this bill declare its "use." Your committee does not believe that the State of California can construct reservoirs, as the enormous expense would be too great a drain on our State treasury. Furthermore, the right of eminent domain sought to be evoked by this bill is not surrounded by the proper safeguards as to methods, should the Legislature of this State deem such construction wise to be undertaken at this time. The National Government has set aside funds from the sale of arid lands for the construction of reservoirs, and it is not wise for the State of California to undertake such a mighty project.

The conditions existing in this State are so different, on account of its immense area and different climatic conditions, that a general law cannot escape working great hardship on one portion of the State in attempting to build up another.

It is the belief of some members of your committee that a constitutional amendment which would permit of special legislation suited to different localities should be voted by the people, and the expense of carrying out legislation which would benefit the land owners among those different districts should be borne by the districts to be benefited, and that in some way, if such a scheme should be adopted, the money advanced by the State or by the particular district should constitute a revolving fund, and should not, as under the terms of this bill, be a direct gift to the particular property interests benefited by the State construction of reservoirs. Legislation on this subject should be proceeded with slowly, to the end that the State of California may receive the greatest benefit by means of laws passed.

Nothing could be clearer to your committee than that the legislation now proposed would imperil existing rights and defeat further progress in irrigation development for years to come. Other reasons might be given by your committee, but, after a careful consideration, we respectfully report Senate Bill No. 351 back, with the recommendation that it do not pass.

CALDWELL, Chairman.

On motion of Senator Caldwell, the report of the Committee on Irrigation was ordered printed in the Journal, and 500 extra copies of the report to be printed for distribution.

REPORTS OF SPECIAL COMMITTEE ON CONTESTED ELECTION.

The following reports of special committee on the contested election case of Kenney vs. French were received and read:

MAJORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: Your special committee on contested election case of William J. Kenney vs. Frank French for a seat in this Senate, beg leave to report that we have had the same under consideration; that we have duly considered the evidence presented by the contestant and contestee, and the briefs submitted by the contestant and contestee as represented by counsel, also, as the abstract of statement of the vote polled in the Twentieth Senatorial District of the State of California, so far as the same relates to the votes given for persons for the office of State Senator in and for the Twentieth Senatorial District, as furnished by the Secretary of State, shows upon its face that said Frank French received a plurality of the votes cast at the last general election for said office, therefore, your committee beg leave to recommend the adoption of the following resolution:

Resolved, That Frank French be and he is hereby declared to be entitled to retain his seat and to retain the office of State Senator in and for the Twentieth Senatorial District of the State of California.

J. G. TYRRELL, Chairman.
F. W. LEAVITT.
M. DIGGS.
W. B. LARDNER.

MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: A minority of your special committee on the contested election case of William J. Kenney vs. Frank French for a seat in this Senate, beg leave to report that I am opposed to the report of the majority in this case. I have also read carefully the evidence and the briefs submitted by the contestant and contestee, and am convinced that Senator French does not and can not legally and rightfully hold his seat, and I believe that William J. Kenney, the contestee in this case, is entitled to the seat and the office now held by Senator Frank French, and I ask that the following resolution be adopted in place and stead of the resolution suggested by the majority report:

Resolved, That William J. Kenney be and he is hereby entitled to the seat and the office of State Senator in and for the Twentieth Senatorial District of the State of California, and that he be sworn in and given the seat upon this floor.

Respectfully submitted.

HARRY BUNKERS,
Union Labor Minority.

Senator Leavitt moved that the majority report be adopted.

The question being on the adoption of the majority report.

The roll was called, and the majority report adopted by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Corlett, Curtin, Devlin, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Pendleton, Ralston, Rowell, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, and Williams—27.

NOES—Senator Bunkers—1.

MOTIONS TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Hubbell moved that the vote whereby Senate Bill No. 269—An Act regulating the furnishing of light or power to incorporated cities, manner for payment for the same, and penalty for violation of the provisions of said Act—was passed, be now reconsidered.

The motion was duly seconded.

Senator Hubbell moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 269 was passed be postponed until next legislative day, immediately after the consideration of the special file of Assembly bills.

Motion carried.

In compliance with his notice given on yesterday, Senator Leavitt moved that the vote whereby Senate Joint Resolution No. 5—Relative to Venezuela affairs—was adopted, be now reconsidered.

The motion was duly seconded.

Senator Leavitt moved that further consideration of the motion to reconsider the vote whereby Senate Joint Resolution No. 5 was adopted be postponed until next legislative day, following the special order already set, immediately after the consideration of the special file of Assembly bills.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Lukens, his motion to reconsider the vote whereby Senate Bill No. 281—An Act to add a new section to the Code of Civil Procedure, to be numbered 635, relating to trials of questions of fact by the court—was on a previous day passed, was postponed until next legislative day.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 644—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits by insurance companies for the protection of policy holders.

Also: Senate Bill No. 639—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section to the Civil Code of the State of California, to be known as Section 421, relating to fire and marine insurance corporations.

Also: Senate Bill No. 554—An Act to amend Section 611 of the Political Code, relating to the business of insurance.

Also: Assembly Bill No. 923—An Act to amend Section 478 of the Civil Code of the State of California, relating to grants of State lands to railroad corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that said bills do pass.

ONEAL, Chairman.

Senate Bills Nos. 644, 659, and 554, and Assembly Bill No. 923 ordered on file.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 771—An Act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Senate Bill No. 771 ordered on file.

ON COMMISSIONS, RETRENCHMENT, AND REFORM.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: Your Committee on Commissions, Retrenchment, and Reform, to whom was referred Assembly Bill No. 622—An Act to amend Section 457 of the Political Code.

Also: Assembly Bill No. 274—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Also: Assembly Bill No. 571—An Act to amend Section 485 of the Political Code and to provide for the appointment of a Deputy Surveyor-General, and an Assistant Surveyor-General, and a clerk for the Surveyor-General, and to fix their compensation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SMITH, Chairman.

Assembly Bills Nos. 622, 274, and 571 ordered on file.

SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: Your Committee on San Francisco Delegation, to whom was referred Senate Bill No. 770—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of a seawall and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOLFE, Chairman.

Senate Bill No. 770 ordered on file.

BILLS RE-REFERRED TO COMMITTEE.

On motion of Senator Ward, Senate Bill No. 654—An Act to amend Section 3514 of Article IV of the Political Code, relating to public lands—and Assembly Bill No. 134—An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide pen-

alties for the infraction thereof and means for the enforcement of the Act—were ordered re-referred to Committee on Agriculture and Dairying.

Senator Selvage asked for and was granted unanimous consent to have Senate Bill No. 539 taken up for immediate consideration.

Senate Bill No. 539—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1910, 1915, 1918, 1921, 1922, 1925, 1935, 1937, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1962, 1963, 1968, and 1982, and to repeal Sections 1971, 1972, 1973, and 1974 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1882, all relating to evidence.

Read third time.

Senator Selvage moved to refer to Senator Lardner, as a special committee of one, to amend as follows:

Amend by striking out subdivision three of section eight of the printed bill, page six, lines nine to twenty-two, inclusive, and inserting in lieu thereof the following:

"3. Parties or assignors of parties to an action or proceeding, or persons in whose behalf an action or proceeding is prosecuted, against an executor or administrator, upon a claim or demand against the estate of a deceased person as to any matter of fact occurring before the death of such deceased person."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 539, with instructions to amend, respectfully reports the same back, amended as per instructions.

LARDNER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senator Leavitt asked for and was granted unanimous consent to have Senate Bill No. 206 taken up for immediate consideration.

Senate Bill No. 206—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered, and expenses incurred by them at the instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code), in that certain action in the Supreme Court of the State of California entitled County of San Luis Obispo vs. Henry T. Gage, Governor of the State of California, Charles F. Curry, Secretary of State of the State of California, Tirey L. Ford, Attorney-General of the State of California, Henry T. Gage, chairman of the Board of Examiners of the State of California, Charles F. Curry, member of the State Board of Examiners, Tirey L. Ford, member of the State Board of Examiners, Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, numbered Sacramento No. 1042; and also in that certain action commenced in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled County of Butte vs. Henry T. Gage, Governor of the State of California, Charles F. Curry, Secretary of State of the State of California, Tirey L. Ford, Attorney-General of the State of California, Henry T. Gage, chairman of the State Board of Examiners of the State of California, Charles F. Curry, member of the State Board of Examiners of the State of California, Tirey L. Ford, member of the State Board of Examiners of the State of California, Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, No. 9502;

and also in those certain actions commenced in and decided by the Superior Court of the State of California in and for the County of Sacramento, and which were therein entitled *W. L. Wood vs. State of California*, No. 9555; *W. L. Wood vs. State of California*, No. 9622; *Charles Bickerdike vs. State of California*, No. 9608; *National Bank of D. O. Mills & Co. vs. State of California*, No. 9616; *J. J. Bauer vs. State of California*, No. 9304; *C. A. Weaver vs. State of California*, No. 9609; *A. T. Lightner vs. State of California*, No. 9613; *Geo. Leonard vs. State of California*, No. 9611; *C. A. Pommer vs. State of California*, No. 9610; *L. C. Waite vs. State of California*, No. 9612; *W. S. Hooper vs. State of California*, No. 9526; *E. Weisbaum vs. State of California*, No. 9615; *J. F. Pryor vs. State of California*, No. 9614; *W. B. Waldron vs. State of California*, No. 9617; *San Francisco Law and Collection Co. vs. State of California*, No. 9355; *N. Weisbaum vs. State of California*, No. 9516; *San Francisco Law and Collection Co. vs. State of California*, No. 9607; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled *Samuel Davis vs. State of California*, No. 6869; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, which was therein entitled *Samuel Davis vs. State of California*, No. 6871.

Read third time.

Senator Leavitt moved to refer to Senator Knowland, as a special committee of one, to amend as follows:

Amend section four, line two of amended bill, by striking out the figures "1905," and in lieu thereof inserting the figures "1904."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 206, with instructions to amend, respectfully reports the same ack, amended as per instructions.

KNOWLAND, Chairman.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant on the Contingent Fund of the Senate in favor of J. Louis Martin, Sergeant-at-Arms, for the sum of \$100, to be expended in the purchase of postage stamps, to be used by the press mailing clerks in mailing matter for Senators.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Corlett, Devlin, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Rowell, Sanford, Savage, Smith, Ward, Williams, and Wolfe—23.

NOES—None.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Smith:

WHEREAS, J. P. Devereux and John Carter have been performing the duties of Rear Porters at the request of the Sergeant-at-Arms since February 1, 1903;

Resolved, That J. P. Devereux and John Carter each be allowed the sum of \$3 per diem for said services, from February 1, 1903, and that they be regularly employed from this date as Rear Porters at a per diem of \$3, said amounts to be paid out of the Contingent Fund of the Senate.

Senator Smith moved that the resolution be adopted without reference to committee.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the report adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentzer, Nelson, Oneal, Pendleton, Rowell, Savage, Selvage, Smith, Ward, Williams, and Wolfe—25.

NOES—Senator Flint—1.

By Senator Wolfe:

Resolved, That the Senate bills now on the special appropriation file be made a special order for Monday evening at eight o'clock, and that they be considered at that time.

Resolution read, and referred to Committee on Rules.

By Senator Devlin:

Resolved, That C. A. Fisk be employed as Electrician to take charge of the electric lights of the Senate chamber, at \$3.00 per diem, commencing February 24, 1903; that the Controller be and he is hereby directed to draw his warrant on the State Treasurer for the same, and the Treasurer is hereby authorized to pay the same out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

ADJOURNMENT.

At five o'clock P. M., on motion of Senator Lukens, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, February 26, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, February 25, 1903, the further reading was dispensed with, on motion of Senator Luchsinger.

APPROVAL OF JOURNAL.

The Journal of Monday, February 23, 1903, having been corrected, was read and approved.

LEAVES OF ABSENCE.

Senator Hubbell was, on motion of Senator Shortridge, granted leave of absence for the day.

Senator Woodward was, on motion of Senator Lukens, granted leave of absence for the day.

The members of the Committee on Commerce and Navigation, and Senator Emmons, were, on motion of Senator Ward, granted leave of absence until two o'clock p. m. of this day.

RESOLUTION.

The following resolution was offered:

By Senator Curtin:

WHEREAS, The Angel of Death has sent a messenger to our midst and called from the seat of all earthly cares one of the attachés of this Senate, in the person of Miss Lucretia Baisley; and

WHEREAS, It is meet and proper that this Senate should, in attestation of its sorrow in her untimely death, defray her funeral expense, and provide an escort to accompany the remains to its last resting-place at San Gabriel, California; therefore, be it

Resolved, That the Sergeant-at-Arms be and he is hereby authorized and empowered to send a suitable person with the body of deceased from Sacramento to San Gabriel, and that all cost and expense thereof, and of the funeral of deceased, be paid out of the contingent expense of the Senate; and the State Controller is hereby directed to draw his warrant therefor and the Treasurer is directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Curtin, Diggs, Emmons, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—29.

NOES—None.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 542—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles, or jars, making it a misdemeanor, and providing for penalties for the violation thereof.

Also: Assembly Bill No. 212—An Act to amend Section 9 of an Act entitled "An Act to establish a uniform system of county and township governments, approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain other sections thereto," approved March 23, 1901.

Also: Assembly Bill No. 663—An Act making an appropriation to pay the claim of James L. McCarthy against the State of California.

Also: Assembly Bill No. 580—An Act making an appropriation to pay a judgment for the sum of \$600 rendered in and by the Superior Court of the City and County of

San Francisco, State of California, on April 8, 1902, in an action entitled "Julia A. Jones, plaintiff, vs. The State of California, defendant," numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No. 67 of Department Eight of said Superior Court, at page 575.

CLIO LLOYD, Chief Clerk.

By F. W. HEATHERLY, Assistant.

Assembly Bill No. 542 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 212 read first time, and referred to Committee on County Government.

Assembly Bill No. 663 read first time, and referred to Committee on Finance.

Assembly Bill No. 580 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 196—An Act to amend Section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent.

Also: Assembly Bill No. 423—An Act appropriating money for the purchase of bedding, furniture, and carpets for the use of the Preston School of Industry.

Also: Assembly Bill No. 422—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Also: Assembly Bill No. 363—An Act making an appropriation of \$500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the bathroom at the girls' department of said school.

Also: Assembly Bill No. 362—An Act appropriating \$500, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase additional books and periodicals for the library of said school.

Also: Assembly Bill No. 360—An Act making an appropriation of \$6,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of drilling a well and purchasing the necessary pipe, pump or pumps, and machinery therefor.

Also: Assembly Bill No. 359—An Act making an appropriation of \$5,000, to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase five miners' inches of water for the use of said school.

Also: Assembly Bill No. 367—An Act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same.

Also: Assembly Bill No. 398—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park, in San Mateo County, on lands belonging to the University of California, known as the "Flood property," and to appropriate money therefor.

Also: Assembly Bill No. 616—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco.

Also: Amended, and passed as amended, Senate Bill No. 207—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Also: Passed Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

Also: Senate Bill No. 347—An Act to amend Section 8 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the powers of the Board of Trustees of the State Mining Bureau.

Also: Amended, and passed as amended, Senate Bill No. 372—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Also: Passed Assembly Bill No. 532—An Act to add a new section to the Political Code of the State of California, to be known as Section 1674, providing for the formation of union school districts and the maintenance therein of union schools.

Also: Assembly Bill No. 679—An Act to provide for the care, management, and protection of State highways.

Also: Assembly Bill No. 387—An Act to pay the claim of Tirey L. Ford, and making an appropriation therefor.

Also: Adopted Assembly Constitutional Amendment No. 22—Proposed amendment to Article XI of the Constitution, relative to the constitution, regulations, government, jurisdiction of police courts, public school system, boards of police commissioners, and

justices' courts, and the election or appointment thereof, and the officers, employés, and attachés thereof, and regarding the framing of charters of any consolidated city and county, and city or town charters.

Also: Assembly Constitutional Amendment No. 23—To propose to the people of the State of California an amendment to the Constitution of the State amending Article XX by adding a new section thereto, to be known as Section number 22, relating to monopolies or combinations by individuals, corporations, or associations, controlling prices, or limiting or monopolizing or restricting the number of buyers, dealers, exchangers, sellers or purchasers.

Also: Concurred in Senate amendment to Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to Article XIII of the Constitution of the State of California by adding a new section thereto, to be numbered Section 10½, in relation to revenue and taxation.

Also: Senate amendments to Assembly Bill No. 224—An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf.

Also: Senate amendments to Assembly Bill No. 383—An Act to amend Section 1636 of the Political Code, relating to the report of census marshal.

Also: Passed Assembly Bill No. 426—An Act to prevent misrepresentation of employment, and making it a misdemeanor to misrepresent conditions of employment.

Also: Assembly Bill No. 661—An Act to add a new section to the Code of Civil Procedure, regarding the giving of bonds and undertakings in civil actions, to be known as Section 1030.

Also: Assembly Bill No. 646—An Act to amend Section 1103 of the Political Code, relating to the preservation of affidavits of registration.

Also: Assembly Bill No. 577—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Also: Assembly Bill No. 195—An Act to amend the Political Code by adding a new section thereto, to be numbered 3654a, relating to official maps, the making and adoption thereof, and the description of property as delineated thereon for the purposes of assessment and transfer.

Also: Assembly Bill No. 196—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivision of land into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities or towns, subdivisions or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

Also: Assembly Bill No. 205—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Also: Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators, and of the Inspector of Mines.

Also: Assembly Bill No. 619—An Act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith.

Also: Assembly Bill No. 338—An Act to amend Section 1993 of the Political Code of the State of California, relating to bands of music for the National Guard of California, and to the organization and uniforming of such bands.

Also: Assembly Bill No. 576—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 680—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872.

Also: Assembly Bill No. 191—An Act to appropriate the sum of \$520 to pay the claim of William Saunders against the State of California.

Also: Assembly Bill No. 427—An Act making an appropriation of \$250,000 for the construction of a building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the accommodation of the students of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Assembly Bill No. 501—An Act relating to justices' courts in cities and counties of more than one hundred thousand population and providing for the appointment of a justices' clerk and his assistants, prescribing their duties, and fixing their compensation.

Also: Assembly Bill No. 517—An Act to amend Section 3423 of the Civil Code of the State of California.

Also: Assembly Bill No. 585—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorney, their appointment and terms of office.

Also: Most respectfully request your honorable body to return to the Assembly for the purpose of amendment Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit.

CLIO LLOYD, Chief Clerk.
By F. W. HEATHLEY, Assistant.

Senate Bill No. 196 ordered to enrollment.

Assembly Bill No. 423 read first time, and referred to Committee on Finance.

Assembly Bill No. 422 read first time, and referred to Committee on Finance.

Assembly Bill No. 363 read first time, and referred to Committee on Finance.

Assembly Bill No. 362 read first time, and referred to Committee on Finance.

Assembly Bill No. 360 read first time, and referred to Committee on Finance.

Assembly Bill No. 359 read first time, and referred to Committee on Finance.

Assembly Bill No. 367 read first time, and referred to Committee on Finance.

Assembly Bill No. 398 read first time, and referred to Committee on Agriculture and Dairying.

Assembly Bill No. 616 read first time, and referred to San Francisco Delegation.

Senate Bill No. 312 ordered to enrollment.

Senate Bill No. 347 ordered to enrollment.

Assembly Bill No. 532 read first time, and referred to Committee on Education.

Assembly Bill No. 679 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 387 read first time, and referred to Committee on Finance.

Assembly Constitutional Amendment No. 22 referred to Committee on Constitutional Amendments.

Assembly Constitutional Amendment No. 23 referred to Committee on Constitutional Amendments.

Assembly Bill No. 426 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 661 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 646 read first time, and referred to Committee on Elections and Election Laws.

Assembly Bill No. 577 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 195 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 196 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 205 read first time, and, on motion of Senator Sanford, ordered on file without reference to committee.

Assembly Bill No. 30 read first time, and referred to Committee on Mines and Mining.

Assembly Bill No. 619 read first time, and referred to Committee on Corporations.

Assembly Bill No. 338 read first time, and referred to Committee on Military Affairs.

Assembly Bill No. 576 read first time, and referred to Committee on Finance.

Assembly Bill No. 680 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 191 read first time, and referred to Committee on Finance.

Assembly Bill No. 427 read first time, and referred to Committee on Finance.

Assembly Bill No. 501 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 517 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 585 read first time, and referred to Committee on Judiciary.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 372?"

ASSEMBLY AMENDMENT.

Amend as follows, viz: After the word "seamen" in line seventy of page three of printed bill, insert the words "sea-going."

The roll was called, and the Assembly amendment to Senate Bill No. 372 concurred in by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, French, Greenwell, Lardner, Luchsinger, Plunkett, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—23.

NOES—None.

Senate Bill No. 372 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 207?"

ASSEMBLY AMENDMENTS.

Amend by striking out the words "five thousand (\$5,000)" in line one, section one, first page, printed bill, and in lieu thereof insert the following: "three thousand seven hundred and fifty (\$3,750)."

Same in line three, section two, page one.

The roll was called, and Assembly amendments to Senate Bill No. 207 concurred in by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, French, Greenwell, Lardner, Leavitt, Luchsinger, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—22.

NOES—None.

Senate Bill No. 207 ordered to enrollment.

BILL RECALLED FROM ENROLLMENT AND RETURNED TO THE ASSEMBLY.

On motion of Senator Belshaw, Senate Bill No. 85 was recalled from enrollment and ordered returned to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Lukens moved that the vote whereby Senate Bill No. 281—An Act to add a new section to the Code of Civil Procedure, to be numbered 635, relating to trials of questions of fact by the court—be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Diggs, French, Greenwell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Williams—22.

NOES—None.

BILL WITHDRAWN.

Senator Selvage asked for and was granted unanimous consent to withdraw Senate Bill No. 281.

Senate Bill No. 281 withdrawn and ordered stricken from the file.

RESOLUTION.

The following resolution was offered:

By Senator Rowell:

Resolved, That the sum of fifty dollars be and is hereby appropriated out of the Contingent Fund of the Senate, in payment of one half the expense of the Washington memorial exercises in the Assembly chamber on February 23, 1903, and the Controller is hereby authorized and directed to draw his warrant in favor of Hon. J. M. Higgins for said sum of fifty dollars.

Expense Account Memorial Exercises, Assembly Chamber, February 23, 1903.

Flowers and decorations	\$20 00
Printing	18 50
Band	35 00
Quartette	20 00
Attendants	6 50
	<hr/>
	\$100 00

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 23, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Assembly Bill No. 350—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting the Second Assembly District in Humboldt County the ninth district, and the Third Assembly District the forty-sixth district—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

BYRNES, Chairman.

Assembly Bill No. 350 ordered on file.

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 9, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the Sergeant-at-Arms be and he is hereby instructed and directed to purchase for the Senate forty (40) copies of the Index to California Laws, from the Secretary of State, and for that purpose the sum of \$180 is hereby appropriated out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Curtin, Devlin, Diggs, French, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of Nevada, Ward, Welch, and Williams—23.

NOES—None.

Also:

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That C. A. Fisk be employed as Electrician to take charge of the electric lights of the Senate chamber, at \$3.00 per diem, commencing February 24, 1903; that the Controller be and he is hereby directed to draw his warrant on the State Treasurer for the same, and the Treasurer is hereby authorized to pay the same out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Bauer, Coggins, Curtin, Devlin, Diggs, French, Lardner, Leavitt, Luchinger, Nelson, Plunkett, Ralston, Rowell, Sanford, Selva, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, and Williams—21.

NOES—None.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 36—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Senate Joint Resolution No. 8—Resolution relating to the purchasing and making free, by the United States Government, of the toll roads over the Yosemite National Park, in the State of California.

Senate Bill No. 513—An Act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.

Senate Bill No. 349—An Act to pay the claim of H. M. Sitton and to make an appropriation therefor, for the sum of \$1,856.78 on bond of the State of California, number 592, issued July 9, 1858.

Senate Bill No. 88—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Senate Bill No. 168—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

And report that the same have been correctly enrolled, and presented the same to the Governor on this twenty-sixth day of February, 1903, at nine o'clock and twenty-five minutes A. M.

HUBBELL, Chairman.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employees of the Senate and Assembly—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

Also: Assembly Constitutional Amendment No. 10—Relative to amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employees of the Senate and House, providing for biennial and special sessions of the Legislature.

Also: Senate Constitutional Amendment No. 13—A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature, and by amending Section 4 of Article V thereof, relating to declaring elections of Governor.

Also: Assembly Constitutional Amendment No. 12—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 17 of Article VI thereof, relating to the compensation of Justices of the Supreme Court and of Judges of the Superior Court.

Have had the same under consideration, and respectfully report the same back, and recommend that they be not adopted.

WARD, Chairman.

Senate Constitutional Amendments Nos. 20 and 13, and Assembly Constitutional Amendments Nos. 10 and 12 ordered on file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, February 25, 1903.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 645—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging-house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or second-hand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

Also: Assembly Bill No. 261—An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities.

Also: Assembly Bill No. 293—An Act to amend Section 382 of the Penal Code of the State of California, relating to the adulteration and dilution of articles of food, drink, drugs, medicines, spirituous or malt liquors or wine, or any article useful in compounding them, and providing punishment for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BAUER, Chairman.

Senate Bill No. 645 and Assembly Bills Nos. 261 and 293 ordered on file.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 674—An Act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUCHSINGER, Chairman.

Senate Bill No. 674 ordered on file.

MOTION.

Senator Belshaw moved that when the Senate do adjourn this day, it do so out of respect to the memory of Miss Lucretia Baisley.

The question being on the motion.

The same was unanimously carried by a standing vote.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bill No. 887 having been set as a special order for this hour, the same was taken up.

Senate Bill No. 887—An Act to amend Sections 3, 4, and 6 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 887 passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Curtin, Diggs, Emmons, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER POSTPONED.

The consideration of Senate Bill No. 199 having been made a special order for this hour, the same was, on motion of Senator Emmons, postponed this day until immediately following the special orders to be considered after consideration of special file of Assembly bills.

BILL WITHDRAWN FROM COMMITTEE ON FINANCE.

On motion of Senator Lukens, Assembly Bill No. 427 was withdrawn from Committee on Finance.

SPECIAL ORDER SET.

On motion of Senator Lukens, Assembly Bill No. 427—An Act making an appropriation of \$250,000 for the construction of a building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the accommodation of the students of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto—was made a special order for Friday, February 27, 1903, immediately after reports of standing committees.

WITHDRAWAL OF BILL.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Bill No. 258—An Act making an appropriation of \$250,000 for the construction of a building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the accommodation of the students of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Senate Bill No. 258 withdrawn and ordered stricken from the file.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Bill No. 222—An Act to pay the claim of Tirey L. Ford, and making an appropriation therefor—and substitute therefor on file Assembly Bill No. 387—An Act to pay the claim of Tirey L. Ford, and making an appropriation therefor.

Senate Bill No. 222 withdrawn and Assembly Bill No. 387 substituted therefor on file.

CONSIDERATION OF SECOND READING OF BILLS OF THE SPECIAL FILE OF APPROPRIATION BILLS.

On motion of Senator Wolfe, the Senate proceeded to consider the second reading of bills of the special file of appropriation bills.

Senate Bill No. 189—An Act making appropriation of the sum of \$10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 183—An Act to provide for purchasing land for the State fish hatchery at Sisson, in Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 366—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 547—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at "The Lewis and Clark Centennial Exposition," at Portland, Oregon, in 1905, and providing for the installing of an exhibit of the products of California therein, and providing for the appointment of a commissioner to carry this Act into effect, and providing also for compensation and the expenses of said commissioner and secretary.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 249—An Act to prevent the sale of dairy products produced from diseased animals and under unsanitary conditions, to provide for the inspections of dairy cattle, dairies, and factories for the production of dairy products, to improve the quality of dairy products of the State, and to appropriate money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 637—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 651—An Act to pay the claim of James T. Boyd.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 264—An Act to appropriate \$40,000 out of any money in the State Treasury not otherwise appropriated, to permanently drain Lake Earl, in Del Norte County.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 407—An Act making an appropriation of \$22,000 for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 582—An Act to appropriate the sum of \$10,000 for the purpose of equipping the attic of the State Capitol with automatic fire-sprinkler protection, and providing necessary water supplies for same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 634—An Act to create a State commission of horticulture, to provide for a State commissioner of horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and

appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCV of the Laws of 1891.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 656—An Act to provide for the preservation, improvement, and maintenance of the "California Redwood Park," in Santa Cruz County, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 548—An Act to appropriate the sum of \$50,000 for the purpose of putting, as near as possible, the attic and dome of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto, including iron stair and platform to reach lantern on dome.

Bill read second time, considered engrossed, and ordered on file for third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Devlin:

WHEREAS, The Lieutenant-Governor and the President pro tem. of the Senate both desire a leave of absence for Friday, February 27, 1903; therefore, be it

Resolved, That Senator Pendleton be and he is hereby chosen and instructed to preside over the deliberations of the Senate during the absence of the Lieutenant-Governor and the President pro tem.

Resolution read and adopted.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Senate Bill No. 20—An Act to appropriate \$25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 661—An Act appropriating \$5,000 to erect a warehouse for the storage of jute at the State Prison at San Quentin, California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 110—An Act to provide for building, equipping, and furnishing one cottage for male patients at the Southern California State Hospital, and to make an appropriation for the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 164—An Act to provide for the payment of the salary of the Secretary of the State Engineer for the forty-first, forty-second, and forty-third fiscal years.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 162—An Act to appropriate the sum of twenty thousand dollars for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the word "twenty" in title, first page, printed bill, and inserting in lieu thereof the word "nine."

Amendment adopted.

Also:

Amend by striking out the word "twenty" in section one, line one, page one, and inserting in lieu thereof the word "nine."

Amendment adopted.

Also:

Amend by striking out the word "ten" in section two, line one, page one, and inserting in lieu thereof the words "four thousand five hundred."

Amendment adopted.

Also:

Amend by striking out the word "July" in line two, page two, and inserting in lieu thereof the word "January."

Amendment adopted.

Also:

Strike out the word "three" in line three and insert in lieu thereof the word "four."

Amendment adopted.

Also:

Strike out the word "ten" in line three, page two, and insert in lieu thereof the following: "four thousand five hundred."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 345—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California & Oregon Railroad, near the mouth of Slate Creek, in Shasta County; thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth; thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the words "obtaining the right of way for," in line four, first page, printed bill.

Amendment adopted.

Also:

Amend by inserting after the word "three," in line four, section three, page two, the following: "the sum of seven thousand five hundred (\$7,500.00) is hereby made available on and after January first, 1904."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

ASSEMBLY BILL RECALLED FROM COMMITTEE AND ORDERED ON FILE.

On motion of Senator Pendleton, Assembly Bill No. 576—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor—was recalled from Committee on Finance and ordered on file.

WITHDRAWAL OF BILL.

Senator Pendleton asked for and was granted unanimous consent to withdraw Senate Bill No. 370—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Senate Bill No. 370 withdrawn and ordered stricken from the file.

SECOND READING OF SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Senate Bill No. 43—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's to Tahoe City, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the word "April" in section three, line four, second page, printed bill, and inserting in lieu thereof the word "July."

Amendment adopted.

Also:

Strike out the words "twenty-two" in section three, line five, and insert in lieu thereof the word "eleven."

Amendment adopted.

Also:

Amend by striking out the figures "\$22,000" in section three, line five, and inserting in lieu thereof the figures "\$11,000."

Amendment adopted.

Also:

Strike out the word "three" in section three, line seven, and insert in lieu thereof the following: "four, and the sum of eleven thousand dollars (\$11,000) is hereby made available from and after July 1, 1905."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 360—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park, in San Mateo County, State of California, on lands belonging to the University of California, known as the "Flood property," and to appropriate money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 273—An Act for the relief of Charles D. Douglas.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 38—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 347—An Act to appropriate \$6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Bill read second time, and ordered on file for third reading.

BILLS RECALLED FROM COMMITTEE AND ORDERED ON FILE.

On motion of Senator Ralston, Assembly Bills Nos. 422, 423, 425, 479, and 480 were recalled from Committee on Finance and ordered on file.

Assembly Bill No. 124—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans, who served honorably during the Civil War, at the Woman's Relief Corps Home, at Evergreen, Santa Clara County, California.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Selvage asked for and was granted unanimous consent to have Senate Bill No. 226 taken up for immediate consideration.

Senate Bill No. 226—An Act to amend Sections 367, 370, 375, 376, 377, 386, 387, 388, and 389, and to repeal Section 390 of the Code of Civil Procedure, all relating to parties to civil actions.

Read third time.

Senator Selvage moved to refer to Senator Lardner, as a special committee of one, to amend as follows:

Amend by striking out of section one, line five, page one, after the word "sixty-nine" down to the end of said section.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 226, with instructions to amend, respectfully reports the same back, amended as per instructions.

LARDNER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senator Curtin asked for and was granted unanimous consent to have Senate Bill No. 411 taken up for immediate consideration.

Senate Bill No. 411—An Act to amend Sections 410, 412, 413 and 415 of the Code of Civil Procedure, all relating to the service of summons in civil actions.

Read third time.

Senator Curtin moved to refer to Senator Selvage, as a special committee of one, to amend as follows:

Amend by inserting in section three, line seventeen, page three of the printed bill, between the word "publication" and the word "the," the following: "When service of summons by publication is ordered to be made upon a corporation organized under the laws of this State, a copy of the summons, with the complaint attached, shall be forthwith deposited in the United States postoffice, inclosed in an envelope, postage prepaid, and addressed to such corporation, at its principal place of business, named in its articles of incorporation."

Also: Amend by inserting in section two, line eight, page two of the printed bill, between the word "State" and the word "and," the following: "or is a corporation formed under the laws of this State, and there is no secretary, cashier, managing agent, president, or other head of the corporation upon whom service can be made, or no such secretary, cashier, managing agent, president, or other head of the corporation can be found in this State."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 411, with instructions to amend, respectfully reports the same back, amended as per instructions.

SELVAGE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senator Wolfe asked for and was granted unanimous consent to have Senate Bill No. 291 taken up for immediate consideration.

Senate Bill No. 291—An Act appropriating the sum of \$200,000 for the purchase of a site and for the erection, equipment, and furnishing of a building or buildings for the use of the San Francisco State Normal School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 291 passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Diggs, Flint, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, and Wolfe—24.

NOES—Senator Caldwell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 297—An Act to appropriate the sum of \$50,000 for the purpose of putting, as near as possible, the attic and dome of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto, including iron stairs and platform to reach lantern on dome.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to have Senate Bill No. 566 taken up for immediate consideration.

Senate Bill No. 566—An Act restricting the business of medical superintendents and assistant physicians of State hospitals for insane persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 566 passed by the following vote:

AYES—Senators Belshaw, Byrnes, Coggins, Corlett, Devlin, Diggs, Flint, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, and Wolfe—23.

NOES—Senators Caldwell, Curtin, Lukens, and Rowell—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Lukens, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 415—An Act to amend Section 25 of an Act entitled

"An Act to establish a uniform system of county and township governments," approved April 1, 1897, by omitting from Subdivision 21 of said Section 25 the provision forbidding the purchase of supplies, printing, stationery, or books from persons or firms whose paper has not been published, or whose place of business established, in the county for one or more years prior to the time for fixing prices, and adding a new provision in place of the part omitted, that no supplies of printed or lithographed, or partly printed stationery or blanks, or blank books, printed or partly printed or partly lithographed, shall be procured or purchased, unless such articles have been printed and bound or lithographed, or will be printed and bound or lithographed, and manufactured in the State of California; and job printing, and lithographing, and advertising, under this section, shall be done in the State of California.

Also: Assembly Bill No. 189—An Act to amend Section 1737 of the Code of Civil Procedure of the State of California, relating to Public Administrators.

Also: Adopted Assembly Constitutional Amendment No. 27—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI, of the Constitution of the State of California, relating to charters.

Also: Passed Assembly Bill No. 759—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be known as and numbered Section 365, relating to corporations and the consolidation of any corporation incorporated under the laws of this State, or under the laws of any other State or Territory of the United States, having similar objects or purposes, and thereby consolidating their respective properties, capital stock, equipments, adjuncts, franchises, claims, demands, contracts, agreements, obligations, debts, liabilities, and assets of every kind and description.

Also: Assembly Bill No. 614—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

CLIO LLOYD, Chief Clerk.

Assembly Bill No. 415 read first time, and referred to Committee on County Government.

Assembly Bill No. 189 read first time, and referred to Committee on Judiciary.

Assembly Constitutional Amendment No. 27 referred to Committee on Constitutional Amendments.

Assembly Bill No. 759 read first time, and referred to Committee on Corporations.

Assembly Bill No. 614 read first time, and, on motion of Senator Lukens, was ordered on file without reference to committee.

WITHDRAWAL OF BILL.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Bill No. 437—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the government and management of State hospitals for the insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Senate Bill No. 437 withdrawn and ordered stricken from the file.

SECOND READING OF BILLS—(OUT OF ORDER).

Senator Lukens asked for and was granted unanimous consent to have Senate Bill No. 324 taken up for immediate consideration.

Senate Bill No. 324—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Oneal asked for and was granted unanimous consent to have Senate Bill No. 664 taken up for immediate consideration.

Senate Bill No. 664—An Act to amend Section 2527 of the Political Code, relating to the powers of the State Harbor Commissioners.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF BILL—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Senate Bill No. 567 taken up for immediate consideration.

Senate Bill No. 567—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees, or supervisors, in counties, cities and counties, or towns.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 567 passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Williams, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At twelve o'clock and thirty minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called.

CALL OF THE SENATE.

Pending the announcement, Senator Leavitt moved a call of the Senate. Motion carried.

Time, two o'clock and five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Caldwell, Coggins, Corlett, Diggs, Flint, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Rowell, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, and Wolfe—17.

At two o'clock and nineteen minutes P. M., Senators Sanford and Curtin were brought to the bar of the Senate, and, on motion of Senator Coggins, were excused for being absent from the Senate chamber.

At two o'clock and twenty-four minutes P. M., Senators Lardner and Selvage were brought before the bar of the Senate, and, on motion of Senator Wolfe, were excused for being absent from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At two o'clock and twenty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President pro tem. announced that a quorum was present, the following having answered to their names:

Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, and Wolfe—23.

LEAVES OF ABSENCE.

Senators Shortridge, Muentner, and Ward were, on motion of Senator Leavitt, granted leave of absence for the day.

Senator Bauer was, on his own motion, granted leave of absence for the day.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 567 was this day passed.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 425—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

Senate Bill No. 422—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 23 thereof.

Senate Bill No. 437—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the government and management of State hospitals for the insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Senate Bill No. 235—An Act to amend Section 737 of the Political Code, relating to the salaries of Superior Judges.

Senate Bill No. 560—An Act to amend an Act entitled "An Act to establish a Civil Code," relating to granting of divorces.

Senate Bill No. 359—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Sections 10, 12, 14, 15, 19, and 25, repealing Sections 16, 17, 18 and adding a new section, to be numbered and designated Section 21½.

Senate Bill No. 606—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as section twenty-five and one half, relating to the powers of Boards of Supervisors to lay out, establish, improve, and maintain public boulevards.

Senate Bill No. 198—An Act relating to the justices' courts in cities and counties of a more than one hundred thousand population, and providing for the appointment of a justices' clerk and his assistants, prescribing their duties and fixing their compensation.

Committee Substitute for Senate Bill No. 372—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

Senate Bill No. 793—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting.

HUBBELL, Chairman.

Senate Bills Nos. 425, 422, 437, 235, 560, 359, 606, 198, 793, and Committee Substitute for Senate Bill No. 372, ordered on file.

SPECIAL FILE—ASSEMBLY BILLS.

Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

On motion of Senator Wolfe, passed on file, to retain place.

RE-REFERENCE OF BILL.

On motion of Senator Diggs, Assembly Bill No. 21—An Act relating to ferries across navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof—was re-referred to Committee on Commerce and Navigation.

Assembly Bill No. 334—An Act to amend Section 1519 of the Political Code, relating to the State Board of Education.

Read first time.

On motion of Senator Leavitt, was ordered stricken from the file.

Assembly Bill No. 652—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes.

On motion of Senator Selvae, passed on file, to retain place.

Assembly Bill No. 653—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes.

On motion of Senator Selvae, passed on file, to retain place.

Assembly Bill No. 389—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence.

Read third time.

Senator Oneal moved to refer to Senator Curtin, as a special committee of one, to amend as follows:

Amend by adding after the word "accordingly," in section one, line sixteen, page two, the words "upon the filing of such certified copy in the office of the Secretary of State, there shall be paid the same fees required by law to be paid upon filing articles of incorporation with the same capitalization."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 389, with instructions to amend, respectfully reports the same back, amended as per instructions.

CURTIN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and third reading.

Assembly Bill No. 681—An Act making an appropriation to pay a deficiency in the costs and expenses of suit fund of the Attorney-General's office of California for the fifty-second and fifty-third fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 681 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Diggs, Flint, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 126—An Act making an appropriation for certain improvements and repairs at the State Normal School at San José, Santa Clara County, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 126 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Diggs, Flint, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 138—An Act providing for an appropriation of \$5,000 for the purpose of improving the grounds and repairing the buildings of Sutter's Fort, and for the necessary incidental expenses for maintenance.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 138 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, and Williams—22.

NOES—Senator Hahn—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 103—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 643—An Act making an appropriation to pay the claim of A. W. North against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 643 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 535—An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work

done for, the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 535 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 675—An Act to amend and re-enact Section 1142 of the Political Code, relating to the appointment of officers of election to constitute election boards.

Read third time.

Senator Belshaw moved to refer to Senator Sanford, as a special committee of one, to amend as follows:

Amend by striking out of section one, line twenty-four, the period after the word "held," and insert a semicolon, and the following: "or in a weekly paper published in the county for two successive weeks prior to the election."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 675, with instructions to amend, respectfully reports the same back, amended as per instructions.

SANFORD, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and on file for final passage.

Assembly Bill No. 499—An Act to amend Section 1359 of the Political Code of the State of California, relating to primary elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 499 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, French, Greenwell, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Savage, Selva, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, and Wolfe—22.

NOES—Senator Lardner—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 262—An Act to amend Section 22 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 262 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Ralston, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 9—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

On motion of Senator Leavitt, passed on file, to retain place.

Assembly Bill No. 476—An Act to appropriate the sum of \$1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker, based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

During second reading of bill, the following amendment was offered:

By Senator Curtin:

Amend by striking out the unnecessary word "the" in the enacting clause before the word "Senate."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 477—An Act to appropriate the sum of \$290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

During second reading of bill, the following amendment was offered:

By Senator Curtin:

Amend by striking out the word "the" before the word "Senate" in the enacting clause.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 420—An Act to appropriate the sum of \$1,315 to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of the Legislature of the State of California

entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Bill read second time, and ordered on file for third reading.

Senator Leavitt moved that Assembly Bills Nos. 476, 477, and 420 be placed on the special file of appropriation bills.

Motion lost.

Assembly Bill No. 514—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 333—An Act to provide for the proper sanitary construction, equipment, and inspection of bakeshops, kitchens, and all other premises used in the cooking of any article of food for public sale or consumption, for the appointment of a bakeshop and kitchen inspector, and providing a salary therefor, and imposing penalties for the violation of its provisions.

During second reading of bill, the following amendment was offered:
By Senator Leavitt:

Strike out the word "the" before the word "Senate" in the enacting clause.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 181—An Act to amend Section 1203 of the Code of Civil Procedure of the State of California, as approved March 23, 1893, relating to mechanics' liens, and providing for the furnishing and filing of a bond by the contractor in at least twenty-five per cent of the contract price, to inure to the benefit of all persons who perform labor for or furnish materials to the contractor.

During second reading of bill, the following amendment was offered:
By Senator Leavitt:

Insert the word and figure "Section 1," in line one, section one, printed bill.

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 424—An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers or the officers and employes of State institutions.

During second reading of bill, the following amendment was offered:
By Senator Leavitt:

Insert the word "represented" in enacting clause after the word "California."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 38—An Act to pay the claim of C. W. King, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 318—An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage by the State Board of Examiners, and to appropriate money therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 538—An Act making an appropriation to pay the deficiency in the appropriation for care of State Armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant-General, for the fifty-third fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 557—An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 756—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Surveyor-General's office for the remainder of the fifty-fourth fiscal year.

During second reading of bill, the following amendment was offered: By Senator Leavitt:

Amend by inserting a comma after the word "telegraphing," in line three, section one.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

SPECIAL ORDER RESET.

On motion of Senator Devlin, the special order set for this day, at eight o'clock P. M., being the consideration of Senate Constitutional Amendment No. 16—Submitting to the people of the State of California an amendment to the Constitution amending Section 1, Article XX of the Constitution of the State of California, relative to the seat of government of said State, and the manner of changing the same—was postponed until Monday, March 2, 1903, at eleven o'clock A. M., and was made a special order for that date and hour.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bills Nos. 792 and 793 having been made a special order for this hour, the same were taken up.

Senate Bill No. 792—An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such election; and providing for the punishment of all violations of the provisions of this Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 792 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Rowell, Sanford, Savage, Selva, Smith, Tyrrell of Nevada, Ward, Williams, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 793—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting.
Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 793 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Plunkett, Rowell, Sanford, Savage, Smith, Tyrrell of Nevada, Williams, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVES OF ABSENCE.

Senator Belshaw was, on his own motion, granted a leave of absence until Saturday, February 28, 1903.

Senator Selvage was, on his own motion, granted a leave of absence until Friday, February 27, 1903, at two o'clock P. M.

MOTIONS TO RECONSIDER POSTPONED.

On motion of Senator Leavitt, his motion to reconsider the vote whereby Senate Joint Resolution No. 5—Relative to Venezuela affairs—was on a previous day adopted, was postponed until Monday, March 2, 1903, immediately after the reports of standing committees.

Also, the motion of Senator Hubbell to reconsider the vote whereby Senate Bill No. 269—An Act regulating the furnishing of light or power to incorporated cities, manner for payment for the same, and penalty for violation of the provisions of said Act—was passed, be postponed until Tuesday, March 3, 1903, immediately after reports of standing committees.

At four o'clock and forty-five minutes P. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senator Emmons's motion to reconsider the vote whereby Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act, and remedies to enforce such penalties and forfeitures, and other remedies for violations of this Act, and remedies to enable stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water, and for the permanent removal of all corporate officers, agents, and employes who shall violate or attempt or threaten to violate the provisions of this Act—was passed, having been set as a special order for this hour, the same was taken up.

The question being on the motion to reconsider.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Emmons moved a call of the Senate.

The question being on the motion for a call of the Senate.

The ayes and noes were demanded by Senators Curtin, Caldwell, and Rowell.

The roll was called, and the motion lost by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, French, Hahn, Luchsinger, Ralston, Rowell, Shortridge, Smith, Ward, and Williams—16.

NOES—Senators Bunkers, Byrnes, Corlett, Curtin, Knowland, Lardner, Leavitt, Lukens, Nelson, Oneal, Pendleton, Plunkett, Sanford, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, and Wolfe—18.

Whereupon the acting President declared that the motion to reconsider was lost by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, Hahn, Luchsinger, Pendleton, Ralston, Rowell, Savage, Shortridge, Smith, and Ward—16.

NOES—Senators Bunkers, Byrnes, Corlett, Curtin, French, Greenwell, Knowland, Lardner, Leavitt, Lukens, Nelson, Oneal, Plunkett, Sanford, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, and Wolfe—19.

Senate Bill No. 199 ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

Senator Belshaw moved that Assembly Bill No. 675 be recalled from print, and that the vote whereby the following amendment to the bill, which was this day adopted, be now reconsidered:

Amend by striking out of section one, line twenty-four, the period after the word "held" and inserting a semicolon, and the following: "or, in a weekly paper published in the county for two successive weeks prior to the election."

Motion carried.

Assembly Bill No. 675—An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards.

Bill having been recalled from print and vote whereby amendment was this day adopted was reconsidered.

Read third time this day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 675 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Pendleton, Ralston, Sanford, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Devlin:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session, without the consent of two thirds of the members thereof, be complied with, and that Senator Devlin and the Committee on Finance be and are hereby permitted to introduce a concurrent resolution, to be numbered 15, and bills to be numbered 902 and 903.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bills and concurrent resolution were introduced:

By Senator Devlin: Senate Bill No. 902—An Act authorizing the Board of State Capitol Commissioners to provide a temporary residence for the Governor, and making an appropriation therefor.

Bill read first time, and referred to Committee on Finance.

By Committee on Finance: Senate Bill No. 903—An Act regulating the traveling and other expenses of the directors and trustees of State institutions and abolishing all compensation for attendance.

Bill read first time, and ordered on file without reference to committee.

By Senator Devlin: Senate Concurrent Resolution No. 15—Relative to the consent of the Legislature to absence from the State of State Senator C. W. Pendleton for a period not to exceed six months.

Ordered on file without reference to committee.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FORESTRY AND WATER PRESERVATION.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your Committee on Forestry and Water Preservation, to whom was referred Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigation—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOLFE, Chairman.

Assembly Bill No. 75 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 584—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 537½, relating to defrauding the proprietors or managers of livery or feed stables kept for profit—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 521—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3898a, relating to proceedings for the transfer to the Regents of the University of California of certain public lands acquired by tax sales—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUKENS, Chairman.

Assembly Bills Nos. 584 and 521 ordered on file.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 619—An Act regulating the quality of illuminating gas manufactured and sold by any corporation or person, and fixing a forfeiture for failure to comply with the provisions of this Act.

Also: Assembly Bill No. 759—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be known as and numbered Section 365, relating to corporations and the consolidation of any corporations incorporated under the laws of this State or under the laws of any other State or Territory of the United States having similar objects or purposes, and thereby consolidating their respective properties, capital stock, equipments, adjuncts, franchises, claims, demands, contracts, agreements, obligations, debts, liabilities, and assets of every kind and description.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

ONEAL, Chairman.

Senate Bill No. 619 and Assembly Bill No. 759 ordered on file.

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following bills, have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of the Secretary of Senate for the sum of one hundred eighty six and twenty-five one hundredths (\$186.25) dollars, in payment of the bills hereto attached; and the Treasurer is directed to pay the same:

Henry E. Sleeper	\$7 75
George Cleary	5 00
Frank M. Jones	37 50
H. F. Kleinsorge	34 00
E. Washburn	15 00
Lillian O'Neill	15 00
H. S. Crocker	32 25
Pacific Stamp Works	11 50
Postal Telegraph Cable Co.	28 25
	\$186 25

FLINT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Savage, Tyrrell of Nevada, Ward, and Welch—24.

NOES—None.

CONSIDERATION OF SPECIAL ORDER POSTPONED.

The consideration of report of special committee appointed to visit the State prisons having been made a special order for this hour, the same was, on motion of Senator Tyrrell of Nevada, postponed until February 27, 1903, at three o'clock and thirty minutes P. M., and made a special order for that date and hour.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Tyrrell of Nevada:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of Louis Levy for the sum of \$76, payable out of the Contingent Fund of the Senate, for services rendered as stenographer to the Committee on Prisons and Reformatories during the investigation by that body of the Folsom State Prison.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

ADJOURNMENT.

At five o'clock and nine minutes P. M., on motion of Senator Lukens, the acting President, in accordance with the motion previously carried this day, declared the Senate adjourned out of respect to the memory of Miss Lucretia Baisley, late attaché of the Senate.

IN SENATE.

SENATE CHAMBER,
Friday, February 27, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

In accordance with the resolution adopted yesterday, Hon. C. W. Pendleton, State Senator from the Thirty-eighth Senatorial District, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, and Williams—26.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, February 26, 1903, the further reading was dispensed with, on motion of Senator Corlett.

APPROVAL OF JOURNAL.

The Journal of Tuesday, February 24, 1903, having been corrected, was read and approved.

LEAVES OF ABSENCE.

Senator Woodward was, on motion of Senator Lukens, granted leave of absence for the day.

Senator Flint was, on motion of Senator Belshaw, granted leave of absence until Monday, March 2, 1903.

OPINION OF THE ATTORNEY-GENERAL RELATIVE TO SIGNATURE OF ACTING PRESIDENT ON ENROLLED BILLS.

The following opinion from the Attorney-General, addressed to the Secretary, was ordered printed in the Journal:

SACRAMENTO, CAL., February 27, 1903.

HON. F. J. BRANDON, *Secretary of Senate, Sacramento, California*:

DEAR SIR: I have the honor to acknowledge receipt of yours of the 26th instant, as follows:

"The Senate, for to-morrow, will meet without either the Lieutenant-Governor, Alden Anderson, or Speaker pro tem., Thomas Flint, as a presiding officer. By resolution, this day adopted, Hon. C. W. Pendleton, State Senator of Los Angeles County, has been named as acting President pro tem. during the absence of the two aforesaid officials.

"Query: In the event of enrolled bills being submitted to the several officials of the Senate and Assembly (namely, Speaker of the Assembly, Chief Clerk of the Assembly, President of the Senate, Secretary of the Senate) for their signatures, would it be valid and legal for Senator Pendleton to sign any enrolled bills presented, as acting President of the Senate, and if such bills are signed by him in such official capacity, would they be legal and valid?

"An immediate reply to this question will greatly oblige the members of the Senate."

In reply, permit me to say that I find in the rules of the Senate for the Thirty-fifth Session, no requirement that enrolled bills be signed by the presiding officer of that body. Rule 55 adopts Cushing's Law and Practice of Legislative Assemblies, in all cases not provided for in the rules, but that author does not make it clear how enrolled bills shall be authenticated.

It is not required by either the Constitution or the statutes of this State, that enrolled bills receive the signature of the presiding officer of the Senate, and in the absence of a

Senate rule on this subject, I think it is clear that the validity of an Act which has passed both houses with the requisite vote in each, and received the approval of the Governor, could not be questioned on the ground that it had not received the signature of the President or President pro tem. of the Senate.

Assuming, then, the absence of the President and President pro tem. of the Senate, I am of the opinion that the signing of enrolled bills by Senator Pendleton, while acting in the capacity of presiding officer of the Senate, will not invalidate them.

Very respectfully,

U. S. WEBB, Attorney-General.

RESOLUTION.

The following resolution was offered by Senator Ralston:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session, without the consent of two thirds of the members thereof, be complied with, and that Senator Ralston and Senator Oneal be and are hereby permitted to introduce a concurrent resolution, to be numbered 16, and bills to be numbered 904 and 905.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Williams—27.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bills and concurrent resolution were introduced.

By Senator Oneal: Senate Concurrent Resolution No. 16—Approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose on the 18th day of February, 1903.

Read first time, and ordered on file.

By Senator Ralston: Senate Bill No. 904—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, by amending Section 192 thereof, relating to counties of the thirty-fifth class.

Bill read first time, and referred to Committee on County Government.

Also: Senate Bill No. 905—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, by amending Section 190 thereof, relating to counties of the thirty-third class.

Bill read first time, and referred to Committee on County Government.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON RULES.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your Committee on Rules, to whom was referred the following:

Resolved, That the Senate bills now on the special appropriation file be made a special order for Monday evening at eight o'clock, and that they be considered at that time.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted. Also, that on and after March 2, 1903, unless otherwise

ordered by the Senate, there shall be an evening session of the Senate on each legislative day, commencing at eight p. m.

PENDLETON, Chairman.

Report and resolution read and adopted.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 13—Approving twelve amendments to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, submitted to and voted for and ratified by the qualified electors of said city at a special election held therein, for that purpose, on the 16th day of February, 1903—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

SAVAGE, Chairman.

Senate Concurrent Resolution No. 13 ordered on file.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Assembly Bill No. 427 having been set as a special order for this hour, the same was taken up.

Assembly Bill No. 427—An Act making an appropriation of \$250,000 for the construction of a building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the accommodation of the students of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

The Senate proceeded to consider the daily file.

Senate Bill No. 320—An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Read third time on a previous day.

Senator Sanford moved to refer to Senator Coggins, as a special committee of one, to amend as follows:

Amend by striking out all of section two, and inserting the following:

"SEC. 2. The Board of Supervisors may in their discretion, upon the written demand of a majority of sheep growers of their respective counties, appoint one or more deputy sheep inspectors. Such deputies shall be practical sheep men, and subject to removal whenever the board may deem it necessary."

Also: Amend by striking out of section thirteen, line seven, the word "information" and inserting the following: "sworn complaint."

Also: Amend by striking out all of section fourteen.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 320, with instructions to amend, respectfully reports the same back, amended as per instructions.

COGGINS, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 94—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes in the State of California.

On motion of Senator Lukens, passed on file, to retain place.

Senate Bill No. 72—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

On motion of Senator Lukens, passed on file, to retain place.

Senate Bill No. 92—An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, and by adding thereto four new sections, numbered 18, 19, 20, and 21, all relating to the sanitary condition of barber shops and barber schools, and the regulation thereof.

On motion of Senator Smith, passed on file, to retain place.

Senate Bill No. 215—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901.

Read third time.

Senator Belshaw moved to refer to Senator Oneal, as a special committee of one, to amend as follows:

Amend by inserting at the end of section four, page four, printed bill, the following: "Nothing in this Act shall be construed to prohibit the employment of minor orphans or half orphans."

Motion lost.

Senator Sanford moved to refer to Senator Oneal, as a special committee of one, to amend as follows:

Amend by striking out of section four, page four, lines four and five, the words "during the time the public schools are not in session, or during other than school hours."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 215, with instructions to amend, respectfully reports the same back, amended as per instructions.

ONEAL, Committee.

Report of special committee of one, and amendment, adopted.

Senator Lukens moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

Amend by striking out of section two, line eleven, the word "officers," and inserting the word "officer."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 215, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

At eleven o'clock and nine minutes A. M., Hon. W. C. Ralston, State Senator from the Tenth Senatorial District, in the chair.

Senate Bill No. 53—An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 53 refused passage by the following vote:

AYES—Senators Belshaw, Leavitt, Luchsinger, and Wolfe—4.

NOES—Senators Caldwell, Coggins, Corlett, Curtin, Diggs, Greenwell, Hahn, Hubbell, Knowland, Lardner, Lukens, Ralston, Rowell, Savage, Shortridge, Tyrrell of San Francisco, Ward, and Williams—18.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 24—An Act to appropriate the sum of \$250 to pay the claim of Thomas D. Riordan against the State of California, for professional services and advice in the case of D. B. Murphy vs. Charles F. Curry, Secretary of State, involving the question as to whether name of persons nominated by different political organizations should appear on the ballot more than once, the said claim having been approved by the State Board of Examiners.

Senate Bill No. 510—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain, and staying proceedings on judgment therein.

Senate Bill No. 93—An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart, and to the effect as evidence of certified copies of the records of same.

Committee Substitute for Senate Bill No. 58—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," by adding eight sections thereto, to be numbered 710, 710½, 711, 711½, 712, 712½, 713, and 713½, relating to giving, conditioning, and executing an undertaking, with sureties, by a person, corporation, partnership or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership or association is not the judgment debtor, to release the property so claimed from the levy and lien of said execution; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and for the examination and determination of such objections, and the giving of a new undertaking, in case any objection made is sustained by the court, or admitted.

Committee Substitute for Senate Bill No. 50—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," by adding nine new sections thereto, to be numbered Sections 676, 677, 677½, 678, 678½, 679, 679½, 680, 680½, to provide for giving, conditioning and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay or defraud creditors, so that after said undertaking is given, the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay or defraud creditors, or the successors or assigns of such transferee or grantee may sell, incur, transfer, convey, mortgage, pledge or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee or grantee or pledgee of such property will take, own and possess such property unaffected by such action and suit or the judgment which may be rendered therein; to provide for the examination and determination of the sufficiency of the sureties on such undertaking; to provide for making objections to such undertaking, and the examination and determination of such objections, and the giving of a new undertaking in case any objection made is sustained by the court, or admitted, and to provide for entry of judgment, in said action, upon the said undertaking.

Senate Bill No. 236—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Senate Bill No. 256—An Act to repeal Section 667 of the Penal Code of the State of California, in reference to punishment for second offenses.

Senate Bill No. 254—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Senate Bill No. 352—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said code by an Act approved March 23, 1901.

Senate Bill No. 71—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same.

And report that the same have been correctly enrolled, and presented the same to the Governor on this twenty-sixth day of February, 1903, at eight o'clock and thirty minutes P. M.

Also: Have examined and found the following bills correctly engrossed: Senate Bill No. 638—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1893.

Senate Bill No. 202—An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904; also for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.

Senate Bill No. 341—An Act to provide for the purchase of fire apparatus and machinery, and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Senate Bill No. 322—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Senate Bill No. 323—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

HUBBELL, Chairman.

Senate Bills Nos. 638, 202, 341, 322, and 323 ordered on file.

BILLS RE-REFERRED TO COMMITTEE.

Senator Lukens moved that Senate Bill No. 554—An Act to amend Section 611 of the Political Code, relating to the business of insurance—be re-referred to Committee on Corporations.

Motion carried.

Senator Ward moved that Senate Bill No. 653—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act—be re-referred to Committee on Agriculture and Dairying.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 425—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

On motion of Senator Knowland, passed on file, to retain place.

Senate Bill No. 123—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

On motion of Senator Sanford, passed on file, to retain place.

Senate Bill No. 263—An Act to appropriate the sum of \$40 to pay the claim of B. M. Poore for money due and owing the said B. M. Poore from the State of California.

On motion of Senator Belshaw, passed on file, to retain place.

Senate Bill No. 422—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class.

Read third time.

Senator Belshaw moved to refer to Senator Savage, as a special committee of one, to amend as follows:

Amend by striking out all of subdivision seventeen of section one, page five, printed bill.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 422, with instructions to amend, respectfully reports the same back, amended as per instructions.

SAVAGE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 386—An Act to amend Section 1791 of the Political Code of the State of California, relating to city, and city and county boards of examination.

On motion of Senator Rowell, passed on file, to retain place.

Senate Bill No. 66—An Act to amend Section 103 of the Code of Civil Procedure, relating to Justices' Courts and Justices of the Peace.

Read third time.

Senator Knowland moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by striking out of section two all of lines one and two after the figure "2," and inserting the following: "This Act shall take effect and be in force from and after January 1, 1907."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 66, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 430—An Act to amend Section 4161 of the Political Code, relating to public money in the hands of the County Treasurer.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 334—An Act to regulate the use of illuminating gas.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 151—An Act to amend Sections 10 and 11 of an Act to provide for the organization and management of county fire insurance companies.

On motion of Senator Hahn, passed on file, to retain place.

CONSIDERATION OF FILE—(OUT OF ORDER).

Senator Devlin asked for and was granted unanimous consent to have Senate Bill No. 389 taken up for immediate consideration.

Senate Bill No. 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

Read third time.

Senator Devlin moved to refer to Senator Lardner, as a special committee of one, to amend as follows:

Amend by striking out of section one, line eight, all commencing with the word "as," and all of lines nine and ten, and down to and including the word "work," in line eleven, same section of amended bill.

Also: Amend by striking out of section one, line twelve, the words "named in such report."

Also: Strike out all commencing with line twenty-one, section one, and down to and including the word "channels," in line twenty-three, same section.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 389, with instructions to amend, respectfully reports the same back, amended as per instructions.

LARDNER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

At eleven o'clock and twenty-six minutes A. M., Hon. C. W. Pendleton, State Senator from the Thirty-eighth Senatorial District, in the chair.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Lukens, the following message from the Governor was taken up and read, and ordered printed in Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 27, 1903. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 97—An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations."

Also: Senate Bill No. 81—An Act defining and providing for the control, protection, and treatment of dependent and delinquent children.

Also: Senate Bill No. 250—An Act to amend Section 1366 of the Political Code, relating to primary elections.

GEO. C. PARDEE,
Governor of the State of California.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Diggs asked for and was granted unanimous consent to have Senate Bill No. 47 taken up for immediate consideration.

Senate Bill No. 47—An Act to establish the California State dairy school and experiment farm, and to appropriate money therefor.

Read third time.

Senator Diggs moved to refer to Senator Coggins, as a special committee of one, to amend as follows:

AMENDMENT No. 1.

After word "building," line three, section five, insert "suitable."

AMENDMENT No. 2.

After "paid to," at the end of line two, section seven, insert "and."

AMENDMENT No. 3.

After "for," line three, section seven, strike out "the."

AMENDMENT No. 4.

Change "purpose," line four, section seven, to "purposes."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 47, with instructions to amend, respectfully reports the same back, amended as per instructions.

COGGINS, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and re-engrossment.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Curtin:

WHEREAS, It has come to the knowledge of this Senate that there has been taken from this life Mrs. Mary Alice Tyrrell, the mother of Hon. John R. Tyrrell of Nevada, a member of this Senate; therefore, be it

Resolved, That the Senate does hereby express its heartfelt sympathy to the Hon. John R. Tyrrell and the members of his family for their great bereavement.

Resolved, That when this Senate adjourns to-day, it does so out of respect to the memory of the deceased.

Resolution read, and adopted by a rising vote.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 235—An Act to amend Section 737 of the Political Code, relating to the salaries of Superior Judges.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 235 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Diggs, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Savage, Shortridge, Tyrrell of Nevada, Ward, Williams, and Wolfe—26.

NOES—Senator Rowell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Lukens moved that Senate Bill No. 651—An Act to pay the claim of James T. Boyd—be placed on file for third reading.

Motion carried.

Senate Bill No. 387—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

On motion of Senator Wolfe, passed on file, to retain place.

Senate Bill No. 209—An Act to amend an Act entitled "An Act to create a State Board of Accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, by amending Section 2 thereof.

On motion of Senator Savage, passed on file, to retain place.

Senate Bill No. 589—An Act to amend an Act entitled "An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 589 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Savage, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

On motion of Senator Wolfe, referred to Committee on Finance.

Senate Bill No. 595—An Act making an appropriation to pay the claim of A. W. North against the State of California.

On motion of Senator Leavitt, bill ordered stricken from the file.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 243—An Act to provide for the organization, management and control of mutual fire insurance corporations.

Senate Bill No. 39—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

Senate Bill No. 153—An Act to appropriate money to pay the claim of the T. W. Spring Co. for blankets supplied the State militia of the State of California during the railroad strike of 1895.

Senate Bill No. 330—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California.

Senate Bill No. 375—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.

Senate Bill No. 539—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1910, 1915, 1918, 1921, 1922, 1925, 1935, 1937, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1962, 1963, 1968, and 1982, and to repeal Sections 1971, 1972, 1973, and 1974 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1882, all relating to evidence.

Senate Bill No. 206—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code) in that certain action in the Supreme Court of the State of California entitled County of San Luis Obispo vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tiley L. Ford, Attorney-General of the State of California; Henry T. Gage, chairman of the Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners; Tiley L. Ford, member of the State Board of Examiners; Henry T. Gage, Charles F. Curry, and Tiley L. Ford constituting and composing the State Board of Examiners of the State of California, numbered Sacramento, No. 1042; and also in that certain action commenced in the Superior Court of the State of California, in and for the County of Sacramento, and which was therein entitled County of Butte vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tiley L. Ford, Attorney-General of the State of California; Henry T. Gage, chairman of the State Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners of the State of California; Tiley L. Ford, member of the State Board of Examiners of the State of California; Henry T. Gage, Charles F. Curry, and Tiley L. Ford, constituting and composing the State Board of Examiners of the State of California, No. 9502; and also in those certain actions commenced in and decided by the Superior Court of the State of California in and for the County of Sacramento, and which were therein entitled W. L. Wood vs. State of California, No. 9555; W. L. Wood vs. State of California, No. 9622; Charles Bickerdike vs. State of California, No. 9608; National Bank of D. O. Mills & Co. vs. State of California, No. 9616; J. J. Bauer vs. State of California, No. 9304; C. A. Weaver vs. State of California, No. 9609; A. T. Lightner vs. State of California, No. 9613; George Leonard vs. State of California, No. 9611; C. A. Pommer vs. State of California, No. 9610; L. C. Waite vs. State of California, No. 9612; W. S. Hooper vs. State of California, No. 9526; E. Weisbaum vs. State of California, No. 9615; J. E. Pryor vs. State of California, No. 9614; W. B. Waldron vs. State of California, No. 9617; San Francisco Law and Collection Co. vs. State of California, No. 9355; N. Weisbaum vs. State of California, No. 9615; San Francisco Law and Collection Co. vs. State of California, No. 9607; and, also, in that

certain action in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled Samuel Davis vs. State of California, No. 6869; and, also, in that certain action of the Superior Court of the State of California in and for the County of Sacramento, which was therein entitled Samuel Davis vs. State of California, No. 6871.

Senate Bill No. 22—An Act to appropriate \$30,000 for the erection of an assembly hall, or connecting building, between the administration building and the ward buildings of the Mendocino State Hospital; to purchase furniture and furnish the building so to be erected by the board of managers of said State hospital; to appropriate money therefor and provide for the expenditure of the same.

Senate Bill No. 37—An Act to appropriate the sum of \$7,500 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital and for the development of the same.

Senate Bill No. 602—An Act to appropriate the sum of \$7,000 for the purpose of resetting and repairing the steam pipes and radiators now in the Capitol, and for laying the necessary new pipes, and placing the necessary new radiators in the several rooms and corridors to properly heat said rooms and corridors of the Capitol by steam.

HUBBELL, Chairman.

Senate Bills Nos. 243, 39, 153, 330, 375, 539, 206, 22, 37, and 602 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 65—An Act to amend Section 685 of the Code of Civil Procedure, relating to executions.

Also: Assembly Bill No. 313—An Act to amend Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893," approved March 9, 1897," which became a law March 14, 1899.

Also: Assembly Bill No. 409—An Act to amend the Civil Code by adding an additional section to Chapter II, Title II, to be numbered Section 231, relating to adoption.

Also: Assembly Bill No. 592—An Act to amend Section 800 of the Political Code, relating to the qualification of notaries public.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LUKENS, Chairman.

Assembly Bills Nos. 65, 313, 409, and 592 ordered on file.

SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your Committee on San Francisco Delegation, to whom was referred Senate Bill No. 795—An Act providing that, in any city or city and county in this State, where by general law or by charter the Board of Police Commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations—all such rules and regulations must be reasonable and couched in plain and concise language—and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply; and providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Also: Senate Bill No. 780—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board, approved March 26, 1895," approved March 23, 1901, conferring further powers on said Board of Commissioners.

Also: Senate Bill No. 601—An Act to amend "An Act to provide for the establishment of cosmopolitan schools in the City and County of San Francisco," approved March 30, 1874, by adding a new section, relating to the election, qualifications and certificates of special teachers in said schools.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WOLFE, Chairman.

Senate Bills Nos. 795, 780, and 601 ordered on file.

ON FORESTRY AND WATER PRESERVATION.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your Committee on Forestry and Water Preservation, to whom was referred Senate Bill No. 31—An Act to add a new section to the Political Code of the State of California, to be numbered 3575, providing for the withdrawal from redemption from tax sales, and from entry and sale, and for the reservation of public lands, lands deeded to the State for the non-payment of taxes, and other lands owned by the State, that are suitable for forestry purposes, and providing for reports by Tax Collectors and the Surveyor-General in relation thereto, and for proclamation of the Governor withdrawing and reserving such lands—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOLFE, Chairman.

Senate Bill No. 31 ordered on file.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 654—An Act to amend Section 3514 of Article IV of the Political Code, relating to public lands—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 398—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park, in San Mateo County, State of California, on lands belonging to the University of California, known as the "Flood property," and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that said bill be re-referred to Committee on Finance.

Also: Senate Bill No. 665—An Act to amend Sections 3571 and 3572 of the Political Code of the State of California, relating to public lands—have had the same under consideration, and respectfully report the same back, and recommend that said bill be re-referred to Committee on Judiciary.

BYRNES, Chairman.

Senate Bill No. 654 ordered on file.

Assembly Bill No. 398 re-referred to Committee on Finance.

Senate Bill No. 665 re-referred to Committee on Judiciary.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 516—An Act to regulate the work and hours of selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and provide a penalty for the violation thereof.

Read third time.

On motion of Senator Wolfe, passed on file, to retain place.

Senate Bill No. 155—An Act to amend Section 1489 of the Political Code, relating to the powers and duties of Boards of Trustees of the Normal Schools in the State of California.

Read third time.

Senator Oneal moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

Amend by inserting in section one, line one, page one, the words and figures: "Section 1489" before "the powers." Also, after the enacting clause, insert "Section 1489 of the Political Code is hereby amended to read as follows:"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 155, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and re-engrossment.

BILL RECALLED FROM COMMITTEE.

Senator Wolfe moved that Senate Bill No. 501—An Act relating to Justices' Courts in cities and counties of more than one hundred thousand population, and providing for the appointment of a justices' clerk and his assistants, prescribing their duties and fixing their compensation—be recalled from Committee on Judiciary, and placed on file.

Motion carried.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 560—An Act to amend an Act entitled "An Act to establish a Civil Code," relating to granting of divorces.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 560 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Corlett, Curtin, Devlin, Diggs, French, Greenwell, Hahn, Knowland, Lardner, Luchsinger, Muentner, Nelson, Pendleton, Ralston, Rowell, Savage, Tyrrell of Nevada, and Welch—22.

NOES—Senators Bauer, Leavitt, Lukens, Oneal, Shortridge, Ward, Williams, and Wolfe—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 296—An Act to provide for the better protection of child life as against the issuance to parents or guardians any insurance or certificate of insurance on the life or death of a child under the age of thirteen years in the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 296 refused passage by the following vote:

AYES—None.

NOES—Senators Bauer, Belshaw, Bunkers, Caldwell, Corlett, Curtin, Devlin, Diggs, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of Nevada, Ward, Welch, and Williams—27.

Senate Bill No. 376—An Act regulating the use of trade-union labels upon printed matter furnished by or for the State of California.

Read third time.

The question being on the passage of the bill.

RECESS.

At twelve o'clock and thirty minutes P. M., the acting President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock p. m. the Senate reconvened.

Hon. C. W. Pendleton, acting President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Welch, and Williams—27.

Quorum present.

LEAVES OF ABSENCE.

Senator Savage was, on his own motion, granted leave of absence until Monday, March 2, 1903.

Senator French was, on motion of Senator Williams, granted leave of absence until Monday, March 2, 1903.

Senator Welch was, on his own motion, granted leave of absence until Monday, March 2, 1903.

Senator Tyrrell of San Francisco was, on motion of Senator Ward, granted leave of absence until Monday, March 2, 1903.

Senator Bauer was, on motion of Senator Smith, granted leave of absence until Monday, March 2, 1903.

QUESTION OF PERSONAL PRIVILEGE.

Senator Emmons arose to a question of personal privilege, and referred to an unjust attack made upon him by the San Francisco Call, which impugned his motives as a member of the Committee on Commerce and Navigation in the investigation of the State Board of Pilot Commissioners, and referred to his past as an evidence of his integrity and good intentions, and asked that he be permitted to resign from that committee.

MOTION.

Senator Belshaw moved that the Senate of the State of California, having full confidence in the honor, ability, and integrity of Senator E. J. Emmons, requests that he continue as a member of the Senate committee investigating the Pilot Commission, and that the Senate hereby approves the action thus far taken by its committee in said investigation.

The question being on the motion of Senator Belshaw.

The roll was called, and the motion carried by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Welch, and Williams—29.

NOES—None.

Senator Emmons was, on his own motion, granted leave of absence until Monday, March 2, 1903.

CONSIDERATION OF SPECIAL FILE—ASSEMBLY BILLS.

Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

Read third time on a previous day.

On motion of Senator Rowell, passed on file, to retain place.

Assembly Bill No. 652—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes.

On motion of Senator Selvage, passed on file, to retain place.

Assembly Bill No. 653—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes.

On motion of Senator Selvage, passed on file, to retain place.

Assembly Bill No. 389—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 389 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Greenwell, Hahn, Hubbell, Knowland, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Shortridge, Williams, and Wolfe—21.

NOES—Senators Leavitt and Selvage—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILLS.

Senator Shortridge asked for and was granted unanimous consent to withdraw Senate Bill No. 631—An Act to make an appropriation to pay the claim of the T. W. Spring Company.

Also: Senate Bill No. 25—An Act to build and provide for the furnishing of a cottage upon the grounds of the Agnews State Hospital, and to appropriate money therefor.

Senate Bills Nos. 631 and 25 withdrawn, and ordered stricken from the file.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 103—An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 103 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, and Williams—24.

NOES—Senators Bunkers, Leavitt, and Wolfe—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 9—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and govern

ment of municipal corporations," approved March 13, 1883, in relation to the marshal.

On motion of Senator Ward, passed on file, to retain place.

WITHDRAWAL OF BILLS.

Senator Ward asked for and was granted unanimous consent to withdraw Senate Bill No. 133—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

Senate Bill No. 133 withdrawn and ordered stricken from the file.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 476—An Act to appropriate the sum of \$1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker, based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1903, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 476 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Pendleton, Ralston, Rowell, Sanford, Selva, Shortridge, Smith, and Ward—22.

NOES—Senators Bunkers, Byrnes, Leavitt, Nelson, Oneal, Plunkett, Tyrrell of Nevada, Williams, and Wolfe—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 477—An Act to appropriate the sum of \$290 to pay the claim of George Conway for money due and owing the said George Conway, based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 477 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, and Smith—22.

NOES—Senators Bunkers, Byrnes, Leavitt, Nelson, Oneal, Tyrrell of Nevada, and Wolfe—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 420—An Act to appropriate the sum of \$1,315 to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter, based upon a judgment recovered by the said Robert R. Potter against the State of California in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 420 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Curtin, Devlin, Diggs, Greenwell, Hahn, Hubbell, Lukens, Muentner, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Ward, and Williams—21.

NOES—Senators Bunkers, Corlett, Leavitt, Nelson, Oneal, and Wolfe—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 514—An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the offices of a township.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 514 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, and Wolfe—24.

NOES—Senators Knowland and Muentner—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 333—An Act to provide for the proper sanitary construction, equipment, and inspection of bakeshops, kitchens, and all other premises used in the cooking of any article of food for public sale or consumption, for the appointment of a bakeshop and kitchen inspector, and providing a salary therefor, and imposing penalties for the violation of its provisions.

Read third time.

Senator Lukens moved that the bill be re-referred to Committee on Commissions, Retrenchment, and Reform.

Motion lost.

The question being on the passage of the bill.

The roll was called.

Pending the announcement, Senator Wolfe moved a call of the Senate.

Motion lost.

Whereupon the acting President announced that the bill had been refused passage by the following vote:

AYES—Senators Bunkers, Curtin, Devlin, Leavitt, Oneal, Plunkett, Selvage, Shortridge, Smith, and Williams—10.

NOES—Senators Belshaw, Caldwell, Coggins, Corlett, Diggs, Hahn, Knowland, Lardner, Luchsinger, Lukens, Muentner, Pendleton, Ralston, Rowell, Sanford, Savage, Ward, and Wolfe—18.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 333 was this day refused passage.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 181—An Act to amend Section 1203 of the Code of Civil Procedure of the State of California, as approved March 23, 1893, relating to mechanics' liens, and providing for the furnishing and filing of a bond by the contractor in at least twenty-five per cent of the contract price, to inure to the benefit of all persons who perform labor for or furnish materials to the contractor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 181 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Ward, Williams, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 424—An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers or the officers and employés of State institutions.

Read third time.

On motion of Senator Devlin, passed on file, to retain place.

Assembly Bill No. 38—An Act to pay the claim of C. W. King, and making an appropriation therefor.

Read third time.

Senator Oneal moved that the bill be temporarily passed on file.

Motion carried.

Assembly Bill No. 318—An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage by the State Board of Examiners, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 318 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Curtin, Diggs, Greenwell, Hahn, Hubbell, Leavitt, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Tyrrell of Nevada, Ward, Williams, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER POSTPONED.

The consideration of the report of special committee appointed to visit the State prisons, having been made a special order for this hour, the same was, on motion of Senator Tyrrell of Nevada, postponed until a like committee of the Assembly makes its report to the Assembly.

BILL RESTORED TO ITS PLACE ON FILE.

Senator Bunkers moved that Senate Bill No. 376 be restored to its place on file of bills on third reading.

Motion carried.

Senator Selvage asked for and was granted unanimous consent to have Senate Bill No. 376 taken up for immediate consideration.

Assembly Bill No. 923—An Act to amend Section 478 of the Civil Code of the State of California, relating to grants of State lands to railroad corporations.

Bill read second time, and ordered on file for third reading.

MOTION TO RECONSIDER.

Senator Belshaw moved that Senate Bill No. 422 be recalled from print and engrossment, and that the vote whereby the following amendment to the bill, which was this day adopted, be now reconsidered:

Amend by striking out all of subdivision seventeen of section one, page five, printed bill.

Motion carried.

Senate Bill No. 422—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class.

Bill having been recalled from print and re-engrossment.

Read third time this day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 422 passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Hahn, Hubbell, Leavitt, Luchsing, Lukens, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, and Wolfe—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Wolfe, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 586—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," as approved March 28, 1895.

Also: Assembly Bill No. 727—An Act to add a new section to the Political Code to be numbered 3557, relating to the cancellation of taxes on lands resold by the State where a judgment has been entered annulling the certificate of purchase.

Also: Assembly Bill No. 701—An Act to provide for the holding of annual conventions of county and city and county Supervisors, for the purpose of considering matters of general and special importance to the several county governments.

Also: Assembly Bill No. 703—An Act to amend Section 160 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901.

Also: Assembly Bill No. 806—An Act to amend Section 949 of the Code of Civil Procedure, relating to giving of undertakings and stay of proceedings on appeal to the Supreme Court in certain cases.

CLIO LLOYD, Chief Clerk.
By F. W. HEATHERLY, Assistant.

Assembly Bill No. 586 read first time, and on motion of Senator Smith was ordered on file without reference to committee.

Assembly Bill No. 727 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 701 read first time, and referred to Committee on County Government.

Assembly Bill No. 703 read first time, and referred to Committee on County Government.

Assembly Bill No. 806 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day most respectfully refused passage to Senate Bill No. 137—An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder.

Also: Passed Senate Bill No. 11—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the definition of certain words.

Also: Senate Bill No. 315—An Act making an appropriation of \$700 to provide for postage, expressage, telegraphing, traveling, and contingent expenses of the Governor's office for the fiscal year ending June 30, 1903.

Also: Senate Bill No. 328—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Also: Senate Bill No. 420—An Act authorizing any teacher or public officer who is now a contributor to the public school teachers' annuity and retirement fund in any county, or consolidated city and county, of this State, where there are no annuitants drawing annuities from the said fund of such county, or consolidated city and county, to cease to be a contributor to such fund within sixty days from the taking effect of this Act, and to have returned to him the amount contributed by him thereto, or such part thereof as may be available for that purpose.

Also: Return to your honorable body Senate Bill No. 567, as per your request.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Senate Bills Nos. 11, 315, 328, 420, and 567 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 382.

Also: Adopted Assembly Constitutional Amendment No. 14—Relative to proposed amendment to Article II of the Constitution, relative to providing a system of direct legislation by means of the initiative and referendum, in counties, cities, and cities and counties.

Also: Passed Assembly Bill No. 644—An Act to amend Section 3897 of the Political Code, relating to the subsequent sale by the State of property sold and deeded to the State for delinquent taxes.

Also: Assembly Bill No. 686—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as 177½, relating to the appointment of a deputy by the treasurers of counties of the twentieth class and to the amount and payment of the salary of such deputy.

Also: Assembly Bill No. 825—An Act to amend Section 1577 of the Political Code, relating to the formation of new school districts.

Also: Assembly Bill No. 54—An Act to amend Section 1727 of the Code of Civil Procedure of California, relating to the procuring of letters of administration upon the estates of deceased persons by Public Administrators.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Assembly Constitutional Amendment No. 14 referred to Committee on Constitutional Amendments.

Assembly Bill No. 644 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 686 read first time, and referred to Committee on County Government.

Assembly Bill No. 825 read first time, and referred to Committee on Education.

Assembly Bill No. 54 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 489—An Act making an appropriation of \$6,000 for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Also: Assembly Bill No. 578—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employes of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employes.

Also: Assembly Bill No. 29—An Act to provide for the covering or fencing of abandoned mining shafts, pits or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same.

Also: Assembly Bill No. 1—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Also: Assembly Bill No. 357—An Act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same.

Also: Assembly Bill No. 659—An Act to amend Sections 1895, 1896, 1912, 1913, 1915, 1918, 1922, 1946, 2003, 2004, 2027, to repeal Section 1982, and to add new sections, to be known and numbered as Sections 1979, 2021a, 2022, 2098, 2112, all of and to the Political Code of the State of California, relating to the National Guard, and making it conform to the Federal militia law.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Assembly Bill No. 489 read first time, and referred to Committee on Finance.

Assembly Bill No. 578 read first time, and ordered on file without reference to committee.

Assembly Bill No. 29 read first time, and referred to Committee on Mines and Mining.

Assembly Bill No. 1 read first time, and referred to Committee on Finance.

Assembly Bill No. 357 read first time, and referred to Committee on Finance.

Assembly Bill No. 659 read first time, and referred to Committee on Military Affairs.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed a motion requesting your honorable body to return to the Assembly, for the purpose of amending, Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

BILL ORDERED RETURNED TO THE ASSEMBLY.

On motion of Senator Knowland, Senate Bill No. 13 was ordered returned to the Assembly.

MOTIONS TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Wolfe moved that the vote whereby Senate Bill No. 567—An Act to add a new

title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees or supervisors, in counties, cities, cities and counties, or towns—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called.

Pending the roll call, Senator Wolfe moved a call of the Senate.

Motion lost.

Whereupon the acting President announced the motion to reconsider lost by the following vote:

AYES—Senators Bunkers, Byrnes, Curtin, Luchsinger, Oneal, Pendleton, Plunkett, Rowell, Williams, and Wolfe—10.

NOES—Senators Belshaw, Caldwell, Coggins, Corlett, Diggs, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Ralston, Sanford, Selvage, Shortridge, Smith, Tyrrell of Nevada, and Ward—19.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 558—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WOODWARD, Chairman.

Senate Bill No. 558 ordered on file.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 790—An Act to amend Section 4 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provision of the Constitution, without the Governor's approval, March 7, 1901—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

SAVAGE, Chairman.

Senate Bill No. 790 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 434—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor.

Also: Senate Bill No. 583—An Act to amend Section 3805a of the Political Code, which amendment relates to the cancellation of assessments on State school lands, certificates of tax sales and tax deeds issued thereon, where a judgment or decree of court foreclosing the certificate of purchase thereon has been given and entered.

Also: Senate Bill No. 584—An Act in relation to the State school lands of this State, amending and revising Sections 3546, 3547, 3548, 3549, 3550, and 3551, repealing Sections 3552, 3553, 3554, 3555, and 3556 of the Political Code, and repealing an Act approved March 7, 1881 (Statutes of 1881, page 65), entitled "An Act entitled an Act to enable purchasers of State lands to redeem the same, where their titles have been or may hereafter be foreclosed for non-payment of interest."

Also: Assembly Bill No. 20—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Also: Assembly Bill No. 111—An Act to provide for the taking of depositions of non-resident witnesses by oral examination.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 390—An Act to amend Section 1307 of the Civil Code, relating to wills—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

LUKENS, Chairman.

Assembly Bills Nos. 434, 20, and 111, and Senate Bills Nos. 583, 584, and 390 ordered on file.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 899—An Act amending the Civil Code of the State of California, by adding thereto a new section, numbered 605, authorizing corporations now or hereafter organized for purposes other than profit to consolidate their debts, property, assets, and franchises with another like association or corporation, either created under the laws of the State of California or under the laws of any other State or Territory.

Also: Senate Bill No. 789—An Act to amend Section 307 of the Civil Code of the State of California, relating to the election of directors, and the manner of voting for the same.

Also: Senate Bill No. 805—An Act to amend Section 478 of the Civil Code of the State of California, relating to grants of State lands to railroad corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that each of said bills do pass.

ONEAL, Chairman.

Senate Bills Nos. 899, 789, and 805 ordered on file.

ON MINING.

SENATE CHAMBER, SACRAMENTO, February 26, 1903.

MR. PRESIDENT: Your Committee on Mining, to whom was referred Assembly Bill No. 193—An Act to repeal sections two and three of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.

Also: Senate Bill No. 627—An Act to prevent injury to oil or petroleum-bearing strata or formations, by the infiltration or intrusion of water therein.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 472—An Act to prevent the destruction of oil wells—have had the same under consideration, and respectfully report the same back, and recommend that the author withdraw the same, it covering the identical ground set forth in Senate Bill No. 627.

RALSTON, Chairman.

Assembly Bill No. 193 and Senate Bill No. 627 ordered on file.

Senator Ralston asked for and was granted unanimous consent to withdraw Senate Bill No. 472.

Senate Bill No. 472 withdrawn and ordered stricken from the file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 625—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Also: Assembly Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes and elevator plant of the State Capitol building for the fiftieth fiscal year.

Also: Senate Bill No. 632—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Also: Senate Bill No. 786—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 159—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos and the construction of a new power house at the Veterans' Home located at Yountville, Napa County, State of California.

Also: Assembly Bill No. 270—An Act to amend Section 3 of an Act entitled "An Act making an appropriation to the directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said Society," approved March 25, 1901.

Also: Senate Bill No. 613—An Act to appropriate the sum of \$833.82 to pay the claim of Edward Fanning for money due and owing the said Edward Fanning from the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 149—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of \$5,880, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Also: Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of \$8,655, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 395.

Also: Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of \$3,195, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Also: Assembly Bill No. 364—An Act to appropriate \$2,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9555 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 365—An Act to appropriate \$45 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9622 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California in the Superior Court of the State of California in and for the County of Sacramento, on the 6th day of December, 1902, and making an appropriation therefor.

Also: Assembly Bill No. 390—An Act to appropriate \$500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of the Superior Court of the County of Butte.

Also: Assembly Bill No. 494—An Act to appropriate \$3,675 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California upon a judgment recovered in an action entitled "Commercial Bank of Madera (a corporation) vs. The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California.

Also: Assembly Bill No. 507—An Act to appropriate \$14,320 to pay the claim of the Producers' Bank against the State of California, upon a judgment recovered in an action entitled "Producers' Bank vs. The State of California," numbered 4984, upon the Register of the Superior Court of Tulare County.

Also: Assembly Bill No. 552—An Act making an appropriation to pay a judgment for the sum of \$6,880, rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, vs. The State of California, defendant," numbered 9675, which judgment was entered and recorded on January 10, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at page 29.

Also: Assembly Bill No. 580—An Act making an appropriation to pay a judgment for the sum of \$600, rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled Julia H. Jones, plaintiff, vs. The State of California, defendant, numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No. 67 of Department Eight of said Superior Court, at page 575.

Also: Assembly Bill No. 400—An Act to appropriate \$2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled the Farmers' Exchange Bank of San Bernardino vs. The State of California, on the 25th day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino.

Also: Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of \$1,320, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Bank of Commerce, a corporation, plaintiff, versus The People of the State of California, defendant, numbered 11,823, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, at page 391.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass and go on special appropriation file.

DEVLIN, Chairman.

Senate Bills Nos. 625, 632, 786, 613, 149, and Assembly Bills Nos. 599, 270, 159, 3, 4, 5, 364, 365, 373, 390, 494, 507, 552, 580, 400, and 469 ordered on file.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 426—An Act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same and providing penalties therefor.

Also: Senate Bill No. 807—An Act to prevent the blacklisting of employes.

Have had the same under consideration, and respectfully report the same back, and recommend that said bills do pass.

FRENCH, Chairman.

Assembly Bill No. 426 and Senate Bill No. 807 ordered on file.

MOTION.

Senator Selvage moved that when the Senate do take recess this afternoon it reconvene again at eight o'clock P. M. to consider the special file of Code Revision bills.

Motion carried.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Hubbell asked for and was granted unanimous consent to have Senate Bill No. 606 taken up for immediate consideration.

Senate Bill No. 606—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as Section 25½, relating to the powers of Boards of Supervisors to lay out, establish, improve, and maintain public boulevards.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 606 passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, and Williams—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Luchsinger asked for and was granted unanimous consent to have Senate Bill No. 617 taken up for immediate consideration.

Senate Bill No. 617—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 883½, relating to trial by jury in justices' courts.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out, in line three of the title, the fraction " $\frac{1}{2}$," and inserting in lieu thereof the letter "a."

Amendment adopted.

Also:

Amend by striking out, in line three of section one of printed bill, the fraction " $\frac{1}{2}$," and inserting in lieu thereof the letter "a."

Amendment adopted.

Also:

Amend by striking out, in line four, the fraction " $\frac{1}{2}$," and inserting in lieu thereof the letter "a."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Ralston, the following message from the Governor was taken up and read, and ordered printed in the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, February 27, 1903.

To the Senate of the State of California:

I have the honor to respectfully return to your honorable body, without my approval, Senate Bill No. 188, with my reasons therefor, as follows:

The pensioning of civil employes, which was until a few years since unknown to the laws of this and most other States of the Union, is a policy which should be entered upon circumspectly and only after due consideration of all the possibilities involved. Experience has shown that pension laws are so liable to abuse that they need to be very carefully framed in order to restrict their benefits to the deserving persons for whose protection they are designed. This is none the less true or important because members of fire departments, who are often called upon to risk their lives in the discharge of duty, have many claims upon our consideration.

Section 2 of the present bill amends Section 4 of the Act of 1901, which provided for disability pensions, in at least two important particulars. Under the present law, it is discretionary with the pension trustees to retire, under certain conditions, a member of a department and pay him a monthly pension equal to one half his regular salary; the present bill would make this mandatory.

Again, while the present law gives the trustees authority to pay disability pensions by reason of bodily injury received in the discharge of duty, Senate Bill No. 188 would also allow payment of such pensions on account of "disease contracted in" the service. It is further proposed to amend Section 6 of the present law by making death from disease contracted in the service a cause for payment of pensions to a widow, to minor children, or to a dependent father or mother. Under the existing law the payment of such pensions is restricted to cases in which a fireman loses his life in the performance of duty.

The experience of the Federal Government with Civil War pensions has shown how easy it is to attribute almost any disease to causes growing out of the service, and I consider that, for the present at least, while the system of civilian pensions is still on trial, it would be unwise to amend the law in a manner which might invite abuse.

GEO. C. PARDEE,
Governor of California.

The question being, "Shall the bill become a law notwithstanding the Governor's veto?"

The roll was called, and the Governor's veto to Senate Bill No. 188 sustained by the following vote:

AYES—None.

NOES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Devlin, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Ward, Williams, and Wolfe—22.

LEAVES OF ABSENCE.

Senator Lukens was, on his own motion, granted leave of absence until Monday, March 2, 1903.

Senator Lardner was, on his own motion, granted leave of absence until Monday, March 2, 1903.

Senator Wolfe was, on his own motion, granted leave of absence for this evening.

Senator Caldwell was, on his own motion, granted leave of absence until Monday, March 2, 1903.

Senator Hubbell was, on his own motion, granted leave of absence for this evening.

Senator Luchsinger was, on his own motion, granted leave of absence until Monday, March 2, 1903.

Senator Belshaw was, on his own motion, granted leave of absence until Monday, March 2, 1903.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Oneal asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 16 taken up for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 16.

Approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 18th day of February, 1903.

WHEREAS, The City of San José, a municipal corporation, in the County of Santa Clara, State of California, is now, and was at all times herein referred to, a city containing a population of more than three thousand and five hundred inhabitants, and not more than thirty thousand inhabitants; and

WHEREAS, At a special municipal election duly held in said city on Monday, November second, eighteen hundred and ninety-six, in accordance with law and the provisions of section eight of article eleven of the Constitution of said State, a board of fifteen freeholders, duly qualified, was elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city; and

WHEREAS, The same was on January second, eighteen hundred and ninety-seven, signed in duplicate by all the members of said board of fifteen freeholders, and was on said last-named day returned, one copy thereof to the Mayor of said city, and the other to the County Recorder of Santa Clara County; and

WHEREAS, Such proposed charter was then published in three daily newspapers of general circulation in said City of San José, to wit: "San José Daily Mercury," "San José Daily Herald," and "The Evening News," for more than twenty days, such publication in each instance having commenced on said January second, eighteen hundred and ninety-seven; and

WHEREAS, Said charter was, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said City of San José to wit: The Mayor and Common Council thereof, to the qualified electors of said city at a special election, previously duly called and thereafter held therein, on February twenty-third, eighteen hundred and ninety-seven; and

WHEREAS, The returns of said election were duly canvassed by said Mayor and Common Council of said City of San José, at a meeting held on Wednesday, February twenty-fourth, eighteen hundred and ninety-seven (which said meeting was duly convened); and

WHEREAS, At said special election a majority of such qualified electors of said city, voting at such special election, did vote in favor of and ratify said charter so proposed; and

WHEREAS, Said Mayor and Common Council, after canvassing said returns, duly found and declared that a majority of such qualified electors voting at said special election had voted for and ratified said charter; and

WHEREAS, The said charter was afterwards submitted to the Legislature of the State of California, for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of said State; and

WHEREAS, On the fifth day of March, eighteen hundred and ninety-seven, by concurrent resolution of the Senate and Assembly of the said Legislature (a majority of all the members of each house voting for and concurring therein), the said charter was ratified and approved as a whole, for and as the charter of the said City of San José; and

WHEREAS, One copy of said charter so ratified and approved was deposited in the office of the Secretary of State of the State of California; and

WHEREAS, One copy of said charter so ratified and approved was duly and regularly recorded in the office of the County Recorder of the County of Santa Clara, State of California, on the twenty-fourth day of March, eighteen hundred and ninety-seven, and was, after being so recorded deposited in the archives of the said City of San José; and

WHEREAS, Said charter so ratified and approved, has not been amended within two years from the date hereof; and

WHEREAS, The Mayor and Common Council, being the legislative authority of said city, by ordinance duly and regularly passed by said Common Council in accordance with law and with the provisions of said charter on the fifteenth day of December, nineteen hundred and two, and approved by the Mayor of said city on the fifteenth day of December, nineteen hundred and two, did, in accordance with the provisions of section eight, of article eleven of the Constitution of the State of California, propose to the qualified electors of said City of San José, certain amendments to the said charter of said city, said amendments being two in number; and

WHEREAS, Said ordinance so passed and approved as aforesaid, called a special election to be held on Wednesday, the eighteenth day of February, nineteen hundred and three, for the purpose of submitting, and submitting to the qualified electors of said city said proposed amendments to said charter; and

WHEREAS, Said ordinance containing said proposed amendments to said charter was, in accordance with the provisions of section eight of article eleven of the Constitution

of the State of California, published for twenty days, after its passage and approval, in the Evening News, a daily newspaper published and of general circulation in the said City of San José; and

WHEREAS, Said special election was held in the said City of San José on Wednesday, the eighteenth day of February, nineteen hundred and three, which day was more than forty days after said proposed amendments had been published for twenty days as aforesaid; and

WHEREAS, On the twentieth day of February, nineteen hundred and three, at a meeting duly convened in accordance with law and with the provisions of said charter, the Mayor and Common Council of the City of San José, duly and regularly canvassed the returns of said special election; and

WHEREAS, At such special election so held on the eighteenth day of February, nineteen hundred and three, one of said proposed amendments was ratified by more than a majority of the votes of the qualified electors voting thereat, and one of said proposed amendments received less than a majority of the votes of said qualified electors; and

WHEREAS, Said Mayor and Common Council after canvassing said returns, duly found and declared that one of said proposed amendments had been ratified by a vote of more than a majority of the qualified electors voting at said election, and that one of said proposed amendments had received less than a majority vote of said qualified electors; and

WHEREAS, The said proposed amendment so ratified by the electors of said city at such election is now submitted to the Legislature of the State of California for approval or rejection, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California; and

WHEREAS, The said amendment to said charter so ratified by more than a majority of the votes of the qualified electors of the City of San José voting at said election is in words and figures as follows to wit:

AMENDMENT TO THE CHARTER OF THE CITY OF SAN JOSÉ, RATIFIED BY THE VOTES OF MORE THAN A MAJORITY OF THE QUALIFIED ELECTORS VOTING AT THE SPECIAL ELECTION HELD FOR THAT PURPOSE ON WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY, NINETEEN HUNDRED AND THREE.

That section thirteen of chapter three of article five of said charter is hereby amended to read as follows:

Section 13. Out of the General Fund shall be paid all claims not provided to be paid out of any other specific fund, *provided however* that the Mayor and Common Council may apportion any surplus moneys in the General Fund to any other specific fund whenever in their judgment the public interests will be subserved by such apportionment.

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA,) ss.
CITY OF SAN JOSÉ.

This is to certify that we, G. D. Worswick, Mayor of the City of San José, and Jos. A. Belloli, Jr., City Clerk of the said City of San José, have compared the foregoing proposed and ratified amendment to the charter of the said City of San José with the original ordinance proposing such amendment and submitting the same to the qualified electors of said city at a special election called for that purpose on Wednesday, the eighteenth day of February, nineteen hundred and three, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said charter, are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City of San José, this twenty-fourth day of February, nineteen hundred and three.

G. D. WORSWICK,
Mayor of the City of San José.
JOS. A. BELLOLI JR.,
City Clerk of the City of San José.

[SEAL]

Now therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), That said amendment to the charter of the City of San José, hereinbefore set forth, as presented and submitted to and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole without amendment or alteration for and as an amendment to and as part of the charter of the said City of San José.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 16 adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens,

Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Ward, Williams, and Wolfe—28.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

Senator Knowland asked for and was granted unanimous consent to have Senate Joint Resolution No. 11 taken up for immediate consideration.

Senate Joint Resolution No. 11—Memorializing Congress to give consideration to House Bill 11,538, relative to the purchase or condemnation of the principal grove of the California Sequoia gigantea, in Calaveras County.

During reading of joint resolution the following amendments were submitted by committee:

Amend by striking out of the second "whereas," line three, the word "county," and inserting in lieu thereof the following: "and Tuolumne counties."

Amendment adopted.

Also:

Amend by striking out of the second "whereas," line three, the word "one," and inserting in lieu thereof the word "two."

Amendment adopted.

Also:

Amend by striking out all of title, and inserting in lieu thereof the following: "Memorializing Congress to give consideration to House Bill 11,538, relative to the purchase or condemnation of two groves of the California Sequoia gigantea, in Calaveras and Tuolumne counties."

Amendment adopted.

Joint resolution ordered to print.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Rowell asked for and was granted unanimous consent to have Assembly Bill No. 38 taken up for immediate consideration.

Assembly Bill No. 38—An Act to pay the claim of C. W. King, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 38 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Selvage, Ward, Williams, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 196—An Act to amend Section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent.

Senate Bill No. 207—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

Senate Bill No. 347—An Act to amend Section 8 of an Act entitled "An Act to provide for the establishment, maintenance and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management and control of said State Mining Bureau, and to provide for the appointment, duties and compensation of a State Mineralogist, who shall perform the duties of his office, under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the powers of the Board of Trustees of the State Mining Bureau.

Committee Substitute for Senate Bill No. 372 An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution.

And report that the same have been correctly enrolled, and presented the same to the Governor on this twenty-seventh day of February, 1903, at two o'clock and fifty minutes P. M.

HUBBELL, Chairman.

ADJOURNMENT.

At four o'clock and thirty-five minutes P. M., on motion of Senator Leavitt, the acting President, in accordance with resolutions previously adopted this day, declared the Senate adjourned out of respect to the memory of Mrs. Mary Alice Tyrrell, mother of Senator John R. Tyrrell of Nevada, until Monday, March 2, 1903, at ten o'clock A. M.

IN SENATE.

SENATE CHAMBER,
Monday, March 2, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luch-singer, Lukens, Muentner, Nelson, O Neal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—31.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, February 27, 1903, the further reading was dispensed with, on motion of Senator Coggins.

LEAVES OF ABSENCE.

Senator Lardner was, on motion of Senator Devlin, granted leave of absence for the day.

The members of the Committee on Commerce and Navigation and Senator Emmons were, on motion of Senator Welch, granted leave of absence for the morning session.

Senator Smith was, on motion of Senator Belshaw, granted leave of absence for this morning's session.

Senator Wolfe was, on motion of Senator Leavitt, granted leave of absence for the day.

PETITIONS.

The following petitions were laid before the Senate by the President, and, on motion of Senator Ralston, were ordered printed in the Journal, and to be considered on next legislative day:

STATE OF NEVADA, DEPARTMENT OF STATE,
CARSON CITY, February 23, 1903.

To the President of the Senate, California Legislature:

DEAR SIR: Enclosed herewith find copy of Senate Concurrent Resolution No. 6, passed by the Nevada Legislature and forwarded to you as per instructions contained therein.
Yours respectfully,

W. G. DOUGLASS, Secretary of State.
By GEO. N. NOEL, Deputy.

Senate Concurrent Resolution No. 6—Relative to the appointment of a special committee to confer with a like committee from the California Legislature regarding the pollution of the waters of the Truckee River and such remedial legislation as will correct this evil on this interstate stream.

WHEREAS, Certain parties connected with manufacturing interests situated on the Truckee River in California, west of the boundary line between this State and California, have been discharging refuse and deleterious matter impregnated with acids and other poisonous chemicals into the waters of the Truckee River; and

WHEREAS, Such refuse and drainage from such manufactories must necessarily be and is a menace to the health of a large number of people who are compelled to use the waters of the Truckee River for domestic purposes; and

WHEREAS, The continuance of this custom on the part of said parties will eventually destroy the fish in this stream, thereby destroying an interest of great value to California as well as this State; therefore be it

Resolved, That a committee of three members from the Senate, and four members from the Assembly, be appointed by the respective presiding officers of each body to confer with a similar committee from the California Legislature and urge such legislation as will correct this evil.

Resolved further, That if expedient and practical, said committees meet at Truckee at some convenient time to investigate the conditions as above set forth, and report to the Legislatures of the respective States.

Resolved further, That said committee be empowered to summon witnesses and secure analyses of the water, and such other information and evidence as necessary for proper investigation.

Resolved, That a copy of this preamble and concurrent resolution be forwarded to the President of the Senate and Speaker of the Assembly, respectively, of the California Legislature.

L. ALLEN, President of the Senate.
C. H. MCINTOSH, Secretary of the Senate.
MARION S. WILSON, Speaker of the Assembly.
J. A. CLARK, Chief Clerk of the Assembly.

Approved February 23, 1903: JOHN SPARKS, Governor.

Senate Concurrent Resolution No. 6. Introduced by Washoe Delegation February 5, 1903. Relative to the appointment of a special committee to confer with a like committee from the California Legislature regarding the pollution of the waters of the Truckee River, and such remedial legislation as will correct this evil on this interstate stream. February 5, 1903—rules suspended, reading had considered first reading of the resolution, rules further suspended, read second time by title and referred to Washoe County Delegation. February 6, 1903—reported back by delegation with the recommendation that it be adopted, rules suspended and resolution considered engrossed, placed on third reading and final passage and passed by the following vote: Yeas—13; Nays—None; Absent—4. Transmitted to the Assembly February 6, 1903. E. F. George, Assistant Secretary of Senate. February 9, 1903—received in the Assembly, rules suspended, reading had considered first reading, rules further suspended, read second time by title, and referred to Washoe County Delegation. February 16, 1903—reported back by Committee of Washoe Delegation, with recommendation that the Assembly do concur, placed upon third reading and final passage and passed by the following vote: Yeas—34; Nays—None. Absent—3. Returned to Senate. F. C. Armstrong, Assistant Clerk Assembly. February 17, 1903—received in Senate and sent to enrollment. E. F. George, Assistant Secretary of Senate.

Filed in office of the Secretary of State, February 23, 1903.

W. G. DOUGLASS, Secretary of State.
By GEO. N. NOEL, Deputy.

STATE OF NEVADA, }
DEPARTMENT OF STATE. } ss.

I, W. G. Douglass, the duly elected, qualified and acting Secretary of State of the State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the original Senate Concurrent Resolution No. 6, passed by the twenty-first session of the Nevada Legislature, now on file and of record in this office.

In witness whereof, I have hereunto set my hand and affixed the great seal of State, at my office in Carson City, Nevada, this 23d day of February, A. D. 1903.

[SEAL]

W. G. DOUGLASS, Secretary of State.
By GEO. N. NOEL, Deputy.

STATE OF NEVADA, SENATE CHAMBER, }
CARSON CITY, February 25, 1903. }

HON. ALDEN ANDERSON, *President of the Senate, California Legislature:*

DEAR SIR: I have the honor to inform you that, in pursuance of the enclosed concurrent resolution, the following joint committee has been appointed by the presiding officers of the respective branches of the Nevada State Legislature: Senators Roff, Hardin, and Brougher; Assemblymen Griffin, Cooke, Dolf, Pogue, and Syphus.

Said committee awaits the pleasure of your honorable body to fix a date and place of meeting, as early, however, as it is possible for the California Legislature to arrange, as the time within which action can be taken is limited.

Kindly have the enclosed resolution read, and, if possible, some action taken to carry out its provisions and intention.

We will appreciate it if you will advise us as to what action is taken in this matter.

Very respectfully,

C. H. MCINTOSH,
Secretary of the Senate.

Senator Ralston presented the following communication, which was ordered printed in the Journal:

MILLS BUILDING, SAN FRANCISCO, February 27, 1903.

To the Honorable Senate of the State of California:

GENTLEMEN: On behalf of the Manufacturers and Producers' Association of California, we most respectfully protest against the passage of Senate Bills Nos. 304 and 314.

Should this measure become a law, it would either tend to put the manufacturers out of business or force them to insure their employes at the expense of said employes. In either case the measure would be highly detrimental to the manufacturing interests of the State of California, seriously affecting both employer and employe.

Respectfully,

MANUFACTURERS AND PRODUCERS' ASSOCIATION OF CALIFORNIA.

A. SEABORO, President.

CHARLES E. BANCROFT, Secretary.

[SEAL]

The Manufacturers and Producers' Association of California was organized in March 1895. It is composed of producers and manufacturers throughout the State, and its leading purpose is to encourage the manufacture and production, distribution and consumption of California products of all kinds.

RESOLUTIONS.

The following resolutions were offered:

By Senator Selvage:

Resolved, That the name of Earl Cook be stricken from the payroll as Page of this Senate, and the Sergeant-at-Arms be and he is hereby instructed to return all warrants drawn in favor of said Earl Cook to the office of the State Controller, to be canceled by said Controller.

Resolution read and adopted.

By Senator Pendleton:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby directed to purchase nineteen copies of Fairall's Criminal Law and Procedure, and Penal Code for the use of the Judiciary Committee, the same to be paid for out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Shortridge asked for and was granted unanimous consent to have Senate Bill No. 634 taken up for immediate consideration.

Senate Bill No. 634—An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXIV of the Laws of 1891.

Read third time.

Senator Shortridge moved to refer to Senator Smith, as a special committee of one, to amend as follows:

Line forty-eight, page three of printed bill, after the comma, strike out all down to period in line forty-nine, and insert "not to exceed \$200 per month."

Also: Page eight of printed bill, line one, section thirteen, strike out the word "fourteen" and insert the word "four."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 634, with instructions to amend, respectfully reports the same back, amended as per instructions.

SMITH, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

BILLS RE-REFERRED TO COMMITTEE.

On motion of Senator Selva, Assembly Bill No. 586—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," as approved March 28, 1895—and Senate Bill No. 638—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, etc., the laws of the State, and for the appointment of members of said commission, to be known as the Commission for the Revision and Reform of the Law"—were re-referred to the Committee on Code Revision, to be reported back in twenty-four hours.

WITHDRAWAL OF BILL.

Senator Ralston asked for and was granted unanimous consent to withdraw Senate Bill No. 91.

Senate Bill No. 91 withdrawn and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ELECTIONS AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 646—An Act to amend section 1103 of the Political Code, relating to preservation of affidavits of registration

Also: Assembly Bill No. 662—An Act to amend Section 1239 of the Political Code of

the State of California, relating to the rules governing the boards of election in determining the place of residence of any person entitled to vote therein.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 768—An Act to amend Section 1375 of the Political Code, relating to primary elections—have had the same under consideration, and respectfully report the same back without recommendation.

BELSHAW, Chairman.

Assembly Bills Nos. 646, 662, and 768 ordered on file.

ON PRISONS AND REFORMATORIES.

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your Committee on Prisons and Reformatories, to whom was referred Senate Bill No. 788—An Act to amend an Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, Police Court Judges and Justices of the Peace, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

JOHN R. TYRRELL, Chairman.

Senate Bill No. 788 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 226—An Act to amend Sections 367, 370, 375, 376, 377, 386, 387, 388, and 389 and to repeal Section 390 of the Code of Civil Procedure, all relating to parties to civil actions.

Senate Bill No. 411—An Act to amend Sections 410, 412, 413, and 415 of the Code of Civil Procedure, all relating to the service of summons in civil actions.

Senate Bill No. 162—An Act to appropriate the sum of \$9,000 for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway.

Senate Bill No. 345—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California and Oregon Railroad, near the mouth of Slate Creek, in Shasta County; thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth; thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor.

Senate Bill No. 43—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.

HUBBELL, Chairman.

Senate Bills Nos. 226, 411, 162, 345, and 43 ordered on file.

CONSIDERATION OF SPECIAL ORDER.

The reconsideration of the vote whereby Senate Joint Resolution No. 5 was adopted, having been made a special order for this hour, the same was taken up.

Senate Joint Resolution No. 5—Relative to Venezuela affairs.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—27.

NOES—None.

Senator Leavitt moved that Senate Joint Resolution No. 5 take its place at the head of the file for third reading of bills.

Motion carried.

MOTION TO RECONSIDER.

In compliance with notice given on a previous day by Senator Wolfe, Senator Shortridge moved that the vote whereby Assembly Bill No. 333—An Act to provide for the proper sanitary construction, equipment, and inspection of bakeshops, kitchens, and all other premises used in the cooking of any article of food for public sale or consumption, for the appointment of a bakeshop and kitchen inspector, and providing a salary therefor, and imposing penalties for the violation of its provisions—was passed, be now reconsidered.

The motion was duly seconded.

Senator Shortridge moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 333 was refused final passage be postponed until next legislative day.

Motion carried.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Tyrrell of San Francisco, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 613—An Act to add a new section to the Political Code, to be numbered 1003a, relating to terms of office.

Also: Assembly Bill No. 292—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, numbered 710, providing a procedure by which money or credits of a judgment debtor in the hands of the State of California, or a public or municipal corporation, or public officer, may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure.

Also: Assembly Bill No. 523—An Act to regulate the use of illuminating gas.

Also: Assembly Bill No. 548—An Act to amend Section 1407 of the Penal Code, relating to the disposition by peace officers of property in their possession which is alleged to have been stolen or embezzled.

Also: Assembly Bill No. 515—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Also: Assembly Bill No. 343—An Act to amend an Act approved February 28, 1887, entitled "An Act concerning the payment of expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act.

Also: Assembly Bill No. 671—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their offices.

Also: Assembly Bill No. 269—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

Also: Assembly Bill No. 731—An Act to provide for the improvement of the public highways.

Also: Assembly Bill No. 758—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Assembly Bill No. 613 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 292 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 523 read first time, and referred to Committee on Public Health and Quarantine.

Assembly Bill No. 548 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 515 read first time, and referred to Committee on Education.

Assembly Bill No. 343 read first time, and referred to Committee on Commerce and Navigation.

Assembly Bill No. 671 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 269 read first time, and, on motion of Senator Pendleton, was ordered on file without reference to committee.

Assembly Bill No. 731 read first time, and referred to Committee on Roads and Highways.

Assembly Bill No. 758 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate Concurrent Resolution No. 16—Relative to approving an amendment to the charter of the City of San José.

Also concurred in Senate Concurrent Resolution No. 12—Approving the charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city, at a general election held therein for the purpose, among other things, of ratifying said charter, on the second day of April, 1902.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Senate Concurrent Resolutions Nos. 16 and 12 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 194—An Act to appropriate \$1,000 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California.

Also: Assembly Bill No. 28—An Act to add a new section to the Penal Code and to Title IX, Chapter II thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age, and providing a penalty for the violation of the same.

Also: Assembly Bill No. 775—An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities; for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvement.

Also: Assembly Bill No. 715—An Act to amend Section 1275 of the Civil Code, relating to testamentary dispositions to corporations.

Also: Assembly Bill No. 692—An Act to prevent the employment of children under the age of fourteen years and females in mines and smelters.

Also: Assembly Bill No. 98—An Act making an appropriation to pay the judgment against the State of California, recovered by R. Shaw, in the Superior Court of San Benito County, November 30, 1901, for and on account of claim for bounty on coyote scalps.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Assembly Bill No. 194 read first time, and referred to Committee on Finance.

Assembly Bill No. 28 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 775 read first time, and, on motion of Senator Pendleton, ordered on file without reference to committee.

Assembly Bill No. 715 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 692 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 98 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 691—An Act to prohibit the sale of spirituous or malt or fermented liquors or wines within five hundred feet of the exterior boundaries of a military reservation.

Also: Assembly Bill No. 524—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State

Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions for the remainder of the fifty-fourth fiscal year.

Also: Assembly Bill No. 361—An Act making an appropriation of \$1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase horses, wagons, and farm implements for use of the said school.

Also: Assembly Bill No. 201—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

Also: Assembly Bill No. 562—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Assembly Bill No. 158—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction.

Also: Assembly Bill No. 560—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Assembly Bill No. 697—An Act to provide for the purchase of fire apparatus and machinery for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Passed, as a case of urgency, Assembly Bill No. 895—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fifth session.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 691 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 524 read first time, and referred to Committee on Printing.

Assembly Bill No. 361 read first time, and referred to Committee on Finance.

Assembly Bill No. 201 read first time, and referred to Committee on Military Affairs.

Assembly Bill No. 562 read first time, and referred to Committee on Hospitals and Asylums.

Assembly Bill No. 158 read first time, and referred to Committee on Military Affairs.

Assembly Bill No. 560 read first time, and referred to Committee on Finance.

Assembly Bill No. 697 read first time, and referred to Committee on Hospitals and Asylums.

Assembly Bill No. 895 read first time.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 689—An Act to amend Section 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California.

Also: Assembly Bill No. 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 689 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 258 read first time, and referred to Committee on Hospitals and Asylums.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 389—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer, or lease of corporate property and franchises to any other corpora-

tion or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence.

Also: Concurred in Senate amendments to Assembly Bill No. 181—An Act to amend Section 1203 of the Code of Civil Procedure of the State of California, as approved March 23, 1893, relating to mechanics' liens, and providing for the furnishing and filing of a bond by the contractor in at least twenty-five per cent of the contract price, to inure to the benefit of all persons who perform labor for or furnish materials to the contractor.

CLIO LLOYD, Chief Clerk.

At ten o'clock and fifty-five minutes A. M., Hon. Thomas Flint, Jr. President pro tem. of the Senate, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Nelson:

Resolved, That Assembly Bill No. 895 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Nelson moved a call of the Senate.

Time, eleven o'clock and one minute A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, and Woodward—24.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and five minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Pendleton.

The roll of absentees was called.

Whereupon the President pro tem. announced that the provisions of Section 15 of Article IV of the Constitution were suspended by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—35.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 895—An Act making an appropriation to pay the expenses of legislative printing for the thirty-fifth session.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 895 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Kalston, Rowell, Savage, Selva, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Constitutional Amendment No. 16 having been set as a special order for this hour, the same was taken up.

Senate Constitutional Amendment No. 16—Submitting to the people of the State of California an amendment to the Constitution amending Section 1, Article XX of the Constitution of the State of California, relative to the seat of government of said State, and the manner of changing the same.

Constitutional amendment read.

On motion of Senator Hubbell, further consideration postponed until twelve o'clock m. of this day.

CONSIDERATION OF DAILY FILE.

The Senate proceeded to consider the daily file.

Senate Bill No. 94—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes in the State of California.

On motion of Senator Lukens, passed on file, to retain place.

At eleven o'clock and twenty-five minutes a. m., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Pendleton asked for and was granted unanimous consent to withdraw Senate Bill No. 92—An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, by adding thereto four new sections, numbered 18, 19, 20, and 21, all relating to the sanitary condition of barber shops and barber schools, and the regulation thereof—and to substitute on file therefor Senate Bill No. 574.

Senate Bill No. 92 withdrawn and ordered stricken from the file, and Senate Bill No. 574 substituted therefor on file.

Senate Bill No. 574—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by striking out the word "the" following the word "amend" in line one of the title, and insert in lieu thereof the word "an"; also, further amend the title by striking out the "period (.)" and inserting a comma (,) after the figures "1901," and inserting the words "adding a new section thereto, to be numbered Section 7, relating to an annual license fee."

Amendment adopted.

Also:

Amend by striking out all following the words "amended by" in lines two and three, section one, and insert in lieu thereof the following: "adding a new section thereto, to be numbered Section 7."

Amendment adopted.

Also:

Amend line four by inserting before the word "each" the word and figure "Section 7."

Amendment adopted.

Also:

Amend by striking out all following line twenty-three, and inserting in lieu thereof the following:

"Sec. 2. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

BILL RECALLED FROM ENROLLMENT.

Senator Flint moved that Senate Bill No. 11 be recalled from enrollment for the purpose of considering the Assembly amendment to the bill. Motion carried.

Senate Bill No. 11—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the definition of certain words.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 11?"

ASSEMBLY AMENDMENT.

Insert after the word "witness" in line fourteen, page one, printed bill: "provided, that when a signature is by mark, it must, in order that the same may be acknowledged or may serve as the signature to any sworn statement, be witnessed by two persons who must subscribe their own names as witnesses thereto."

The roll was called, and Assembly amendment to Senate Bill No. 11 concurred in by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Rowell, Sanford, Savage, Selva, and Woodward—21.

NOES—None.

Senate Bill No. 11 ordered to enrollment.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Oneal asked for and was granted unanimous consent to have Senate Bill No. 664 taken up for immediate consideration.

Senate Bill No. 664—An Act to amend Section 2527 of the Political Code, relating to the powers of the State Harbor Commissioners.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Oneal moved a call of the Senate.

Time, eleven o'clock and thirty-five minutes A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll. The roll was called, and the following answered to their names:

Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, and Woodward—25.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty-five minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Oneal.

The roll of absentees was called.

Whereupon the President pro tem. announced that Senate Bill No. 664 was passed by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Greenwell, Hahn, Hubbell, Leavitt, Lukens, Muentner, Nelson, Oneal, Pendleton, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, and Woodward—23.

NOES—Senators Flint and Luchsinger—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Caldwell moved that Senate Bill No. 4—An Act providing for the submission of the proposition of the license and sale, or prohibiting of the sale, of intoxicating liquors, to a vote of the people by municipal corporations of the fifth and sixth classes—be recalled from the Committee on Judiciary.

Motion carried.

Senator Caldwell asked for and was granted unanimous consent to withdraw Senate Bill No. 4 and substitute on file therefor Senate Bill No. 633.

Senate Bill No. 4 withdrawn and ordered stricken from the file, and Senate Bill No. 633 substituted therefor on file.

Senate Bill No. 633—An Act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts wherein there are or may be pending actions to enforce the right of eminent domain to give such actions preferences over all other civil cases, in the matter of setting the same for hearing or trial, and in hearing the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 320—An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Committee Substitute for Senate Bill No. 215—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901.

Senate Bill No. 66—An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace.

Senate Bill No. 155—An Act to amend Section 1489 of the Political Code, relating to the powers and duties of Boards of Trustees of the Normal Schools in the State of California.

Senate Bill No. 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

Committee Substitute for Senate Bill No. 47—An Act to provide for the establishment and operation of a State dairy school and experiment farm, the construction of a building for said school, to provide for the appointment of a commission to select a site for the location thereof, and appropriating money therefor.

Senate Bill No. 617—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 883a, relating to trial by jury in justices' courts.

Senate Joint Resolution No. 11—Memorializing Congress to give consideration to House Bill 11,538, relative to the purchase or condemnation of the principal groves of the California Sequoia gigantea, in Calaveras and Tuolumne counties.

HUBBELL, Chairman.

Senate Bills Nos. 320, 215, 66, 155, 389, 47, and 617, and Senate Joint Resolution No. 11 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 315—An Act making an appropriation of \$700 to provide for postage, expressage, telegraphing, traveling, and contingent expenses of the Governor's office for the fiscal year ending June 30, A. D. 1903.

Senate Bill No. 328—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Senate Bill No. 420—An Act authorizing any teacher or public officer who is now a contributor to a public school teachers' annuity and retirement fund in any county, or consolidated city and county, of this State, where there are no annuitants drawing annuities from the said fund of such county, or consolidated city and county, to cease to be a contributor to such fund within sixty days from the taking effect of this Act, and to have returned to him the amount contributed by him thereto, or such part thereof as may be available for that purpose.

And report that the same have been correctly enrolled, and presented the same to the Governor on this second day of March, 1903, at ten o'clock and fifty minutes A. M.

HUBBELL, Chairman.

BILL RECALLED FROM ENGROSSMENT FOR THE PURPOSE OF AMENDMENT.

Senator Hahn moved that Senate Bill No. 243 be recalled from engrossment for the purpose of amendment.

Motion carried.

Senate Bill No. 243—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Bill having been recalled from engrossment for the purpose of amendment, and still open to amendment, the following amendment was offered:

Senator Hahn moved to amend as follows:

By striking out of section two, page two, line fifteen, the period (.) following word dollars and inserting a comma (,), and also by adding the following after the said comma (,): "provided, that property located upon premises separated by less than one hundred feet of space, shall be deemed to be one risk."

Amendment adopted.

Bill ordered to print, engrossment, and third reading.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT—(OUT OF ORDER).

Senator Sanford asked for and was granted unanimous consent to have Senate Constitutional Amendment No. 20 taken up for immediate consideration.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly.

During reading of constitutional amendment, the following amendments were submitted by committee:

Amend the title by adding thereto these words: "and by amending Section 4 of Article V, relating to declaring elections of Governor."

Amendment adopted.

Also:

Amend section two of printed bill by striking out the word "January" in line ten of said section two, and inserting in lieu thereof the word "February."

Amendment adopted.

Also:

Amend by adding to said printed bill, section four, reading as follows:

"SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them, in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor."

Amendment adopted.

Constitutional amendment ordered to print.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Lukens:

Resolved, That the name of W. Howard be substituted on the payroll in place and instead of Lucretia Baisley, as stenographer, at a per diem of five (5) dollars; said substitution to take effect this day, and the Controller is hereby directed to draw his warrant in favor of said W. Howard for any money that may be due said Lucretia Baisley.

Resolution read.

Senator Lukens moved the adoption of the resolution.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Greenwell, Hahn, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, and Woodward—26.

NOES—None.

At twelve o'clock and three minutes p. m., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Constitutional Amendment No. 16 having been postponed to this hour, the same was taken up.

Senate Constitutional Amendment No. 16—Submitting to the people of the State of California an amendment to the Constitution amending Section 1, Article XX of the Constitution of the State of California, relative to the seat of government of said State, and the manner of changing the same.

Constitutional amendment previously read on this day.

HOOR OF RECESS EXTENDED.

The hour of recess having arrived, the same was, on motion of Senator Leavitt, extended fifteen minutes.

The following amendment was offered by Senator Bauer:

In line twelve, page one of printed amendment, strike out the words "San José" and insert "San Francisco."

Senator Sanford offered the following amendment to the amendment offered by Senator Bauer:

Strike out of line twelve the words "San José" and insert in lieu thereof "Ukiah."

Amendment to amendment lost.

The question being on adoption of the amendment as offered by Senator Bauer.

The ayes and noes were demanded by Senators Tyrrell of San Francisco, Bauer, and Welch.

TIME OF RECESS EXTENDED.

On motion of Senator Leavitt, the hour of recess was extended five minutes.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Bauer, Bunkers, Emmons, French, Nelson, Pendleton, Plunkett, Tyrrell of San Francisco, Welch, and Williams—10.

NOES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, and Woodward—27.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 16 was refused adoption by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Greenwell, Leavitt, Oneal, Pendleton, Plunkett, Ralston, Shortridge, Smith, Tyrrell of San Francisco, and Welch—13.

NOES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Luchsinger, Lukens, Muentner, Nelson, Rowell, Sanford, Savage, Selvage, Tyrrell of Nevada, Ward, Williams, and Wolfe—25.

RECESS.

At twelve o'clock and fifty minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Nelson, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—29.

Quorum present.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received:

ON EDUCATION—(MAJORITY REPORT).

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: The majority of your Committee on Education, to whom was referred Assembly Bill No. 37—An Act amending Section 1874 of the Political Code, providing

for the appointment of a permanent committee of the State Board of Education on school text-books; authorizing said committee, subject to approval of the State Board of Education, to revise, compile, and manufacture school text-books; prescribing the duties of said committee relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books; providing a royalty fund; authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious, uniform series of State school text-books; granting powers, subject to the approval of the State Board of Education, to said committee to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools, and for district school libraries; prescribing books for use in various branches of study taught in the primary and grammar schools; providing the penalty for failure to use the State series of school text-books; authorizing such committee to appoint a secretary; prescribing the duties of such secretary and fixing his compensation; prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book or a number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation, to be known as the text-book appropriation, and specifying the uses to which it may be put; directing of what funds the State school-book fund shall consist, and prescribing the use of the moneys in said fund and continuing the present law for the distribution of State school text-books—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ROWELL, Chairman.

ON EDUCATION—(MINORITY REPORT).

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: The undersigned, constituting a minority of your Committee on Education, recommend that Amendment No. 3 to Assembly Bill No. 37 be not adopted. Our reasons for objection are that, in our judgment, the measure would, with the amendment, be in contravention of Section 7, Article IX of the Constitution of the State of California, which confers upon the Board of Education the power to compile and cause to be compiled the school text-books. The proposed law with this amendment would take away from the State Board of Education the legitimate power to make its own selection of the committee to supervise the work. It would give rise to some question as to the constitutionality of the Act, the annulment of which might long delay the work of revising our State series of text-books. In our judgment, an arbitrary and unnecessary restriction is made upon the State Board and can in no way add to the efficacy of the law.

C. ROWELL.
J. B. CURTIN.

Assembly Bill No. 37 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, February 27, 1903.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 581—An Act to amend Section 1663 of the Political Code of the State of California, defining the number of grades or years which constitute the primary, grammar, and high schools.

Also: Assembly Bill No. 532—An Act to add a new section to the Political Code of the State of California, to be known as Section 1674, providing for the formation of union school districts, and the maintenance therein of union schools.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 580—An Act to amend Section 1670 of the Political Code, relating to high schools.

Also: Assembly Bill No. 27—An Act to enforce the educational rights of children and providing penalties for violation of the Act.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 593—An Act to amend Section 1768 of the Political Code of the State of California, relating to county boards of education—have had the same under consideration, and respectfully report the same back, and recommend that the author withdraw the same.

ROWELL, Chairman.

Senate Bills Nos. 581, 580, and 593, and Assembly Bills Nos. 532 and 27, ordered on file.

BILL RECALLED FROM COMMITTEE AND RE-REFERRED.

Senator Sanford moved that Assembly Bill No. 352—An Act to amend Section 1713 of Article XIII of the Political Code of California, in

relation to district libraries—be recalled from the Committee on Library, and be re-referred to Committee on Education.

Motion carried.

CONSIDERATION OF SPECIAL FILE—ASSEMBLY BILLS.

Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

Read third time on a previous day.

Senator Rowell moved to refer to Senator Ward, as a special committee of one, to amend as follows:

After the word "for," in line eleven, section one, page one, printed bill, insert the following: "*provided*, that nothing in this Act shall prevent the medical or surgical treatment of stock by the owner or owners, employes, or by neighbors who do not assume to be practitioners of veterinary medicine or surgery."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 136, with instructions to amend, respectfully reports the same back, amended as per instructions.

WARD, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and on file for final passage.

COMMUNICATION.

The following communication was presented by Senator Ralston, and, on his motion, ordered printed in the Journal:

CALIFORNIA MINERS' ASSOCIATION, SAN FRANCISCO, February 28, 1903.

HON. W. C. RALSTON, *Chairman Committee on Mines and Mining, Senate Chamber, Sacramento, Cal.:*

DEAR SIR: At a special meeting of the executive committee of the California Miners' Association, held in this city on the above date to consider various measures pending before the Legislature of the State of California, it was unanimously voted as the sense of the committee that Senate Bills Nos. 214, 304, and 314, known, respectively, as the Mine Inspector bill, and the Employers' Liability bills, were inimical to the vast mining interests of California, and that every honorable means should be used to prevent their being enacted into law.

Very respectfully,

[SEAL]

CALIFORNIA MINERS' ASSOCIATION.

By C. M. BELSHAW, President.

Attest: EDWARD H. BENJAMIN, Secretary.

At two o'clock and fifty-eight minutes p. m., Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 652—An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California, for rights of way and other railroad purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 652 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Devlin, Emmons, Greenwell, Hahn, Hubbell, Muenter, Nelson, Oneal, Pendleton, Plunkett, Ralston,

Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—26.

NOES—Senators Caldwell, French, Knowland, Leavitt, Luchsinger, Lukens, Rowell, Sanford, and Woodward—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 653—An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 653 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Emmons, Flint, Greenwell, Hahn, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—28.

NOES—Senators French, Knowland, Leavitt, Luchsinger, Lukens, Rowell, and Sanford—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 923—An Act to amend Section 478 of the Civil Code of the State of California, relating to grants of State lands to railroad corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 923 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Devlin, Emmons, French, Greenwell, Hahn, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—26.

NOES—Senators Caldwell, Knowland, Leavitt, Luchsinger, Rowell, and Sanford—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 424—An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers or the officers and employes of State institutions.

Read third time.

Senator Devlin moved to refer to Senator Ralston, as a special committee of one, to amend as follows:

Amend by adding to end of section one as follows: "provided, that this Act shall not prevent repairing of any kind, nor the employment of such inmates in household or domestic work connected with such institution."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 424, with instructions to amend, respectfully reports the same back, amended as per instructions.

RALSTON, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print, and on file for final passage.

Assembly Bill No. 9—An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the marshal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 9 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

The members of the Committee on Commerce and Navigation were, on motion of Senator Welch and Senator Emmons, granted leave of absence for the afternoon.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 816—An Act supplemental to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, concerning the resignation, relinquishment, or surrender of rights, powers, privileges, and duties reserved to or vesting in the founder or founders, surviving founder, or wife or widow of any founder, of any institution created or founded under or pursuant to said Act, and concerning the assumption and exercise of powers and duties by the trustee or trustees of such institution.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 614—An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the government and management of State hospitals for the insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Read second time, and still open to amendment.

On motion of Senator Pendleton, passed on file, to retain place.

CONSIDERATION OF SENATE JOINT RESOLUTION—(OUT OF ORDER).

Senator Knowland asked for and was granted unanimous consent to have Senate Joint Resolution No. 11 taken up for immediate consideration.

SENATE JOINT RESOLUTION No. 11.

Memorializing Congress to give consideration to House Bill 11,538, relative to the purchase or condemnation of the principal groves of the California Sequoia gigantea, in Calaveras and Tuolumne counties.

WHEREAS, The California Sequoia gigantea are the amazement and admiration of the world, their prototypes in grandeur, size or beauty not existing elsewhere; and

WHEREAS, There is now pending in Congress House Bill No. 11,538, designed to set aside and preserve as a national park two of the most notable of these groves in Calaveras and Tuolumne counties; therefore, be it

Resolved, That the people of California, represented in Senate and Assembly, do hereby memorialize and petition the Congress of the United States, before the expiration of the present session, to consider this bill of so very considerable importance to the people of this State; and be it further

Resolved, That the Secretary of the Senate be and he is hereby instructed to transmit a copy of this resolution by telegraph to the Speaker of the House of Representatives.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 11 adopted by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, and Woodward—25.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Lukens:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session, without the consent of two-thirds of the members thereof, be complied with, and that Senators Lukens and Knowland be and they are hereby permitted to introduce bills to be numbered 906 and 907.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Lukens moved a call of the Senate.

Time, three o'clock and forty minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Wolfe, and Woodward—27.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and forty-two minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Lukens.

The roll of absentees was called.

Whereupon the President announced that the resolution was adopted by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Wolfe, and Woodward—28.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bills were introduced:

By Senator Lukens: Senate Bill No. 906—An Act to authorize cities to acquire and operate a joint system or systems of water supply.

Bill read first time, and referred to Committee on Municipal Corporations.

By Senator Knowland: Senate Bill No. 907—An Act to appropriate money for the purchase of a silver service for the cruiser "California."

Bill read first time, and referred to Committee on Finance.

REPORT OF SELECT COMMITTEE.

The following report of select committee to visit the State hospitals at Stockton and Agnews was received:

MR. PRESIDENT: Your committee, appointed by virtue of the following resolution, adopted February 25, 1903, to wit:

Resolved, That Senators Coggins, Pendleton, Smith, Knowland, Oneal, Muentner, and Sanford be and they are hereby authorized to visit the State Hospital at Stockton and the State Hospital at Agnews, in order that the needs of these institutions may be thoroughly inquired into, and that they be allowed actual expenses.

Beg leave to report that they have performed the duties therein required of them, and in the performance thereof have incurred expenses amounting to \$138, and recommend the adoption of the following resolution:

Resolved, That the sum of \$138 be and the same is hereby appropriated out of the Contingent Fund of the Senate to pay the traveling expenses of all members of the committee above named in visiting and examining the State Hospital at Stockton and the State Hospital at Agnews, under authority of the resolution of February 25, 1903, adopted by this body, and that the State Controller is hereby directed to draw his warrant to the order of C. W. Pendleton, chairman of this committee, for said sum, and the State Treasurer is hereby directed to pay the same.

PENDLETON, Chairman.

Report read, and referred to Committee on Contingent Expenses and Mileage, and, on motion of Senator Pendleton, was ordered printed in the Journal.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Wolfe, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed as a case of urgency Assembly Bill No. 915—An Act to re-enact Sections 10 and 157 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended in 1901, relating to the population of the various counties of the State of California, and classifying such counties for the purpose of regulating the compensation of all officers therein.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Assembly Bill No. 915 read first time, and referred to Committee on County Government.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Leavitt, the following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 28, 1903. }

To the Senate of the State of California:

I have the honor to respectfully return to your honorable body, without my approval, Senate Bill No. 59, together with my reasons therefor.

The bill provides that "the State Board of Prison Directors may retain out of any moneys coming into their hands the sum of five hundred dollars per month for each prison, to pay the contingent or other expenses thereof, but a statement thereof shall be made monthly with other accounts to the State Controller."

My judgment is that all claims for expenditures made or to be made by any State institution should pass through the regular channels, and that it would be unwise to permit, as this amendment proposes, expenditures to be made without the supervision of any authorized auditing body.

GEO. C. PARDEE,
Governor of California.

The question being, "Shall Senate Bill No. 59 become a law notwithstanding the Governor's veto?"

The roll was called, and the Governor's veto to Senate Bill No. 59 was sustained by the following vote:

AYES—Senator Leavitt—1.

NOES—Senators Bauer, Belshaw, Coggins, Corlett, Curtin, Diggs, Flint, Hahn, Knowland, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Selva, Smith, Tyrrell of Nevada, Wolfe, and Woodward—23.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, February 28, 1903.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 292—An Act in relation to municipal bonds.

Also: Senate Bill No. 79—An Act making an appropriation for the purchase of law books for the Attorney-General's office.

Also: Senate Bill No. 311—An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor.

Also: Senate Bill No. 104—An Act making a conspiracy to commit any crime against the person of, or attempt to kill or commit any assault upon the President or Vice-President of the United States, the Governor of any State or Territory, any United States Justice or Judge, or the Secretary of any executive department of the United States, a felony.

Also: Senate Bill No. 80—An Act to amend Section 2606 of the Political Code, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego.

Also: Senate Bill No. 144—An Act to amend Sections 408, 409, 410, and 420, and to repeal Section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of Secretary of State.

Also: Senate Bill No. 17—An Act adding a new section to the Civil Code, numbered 491, authorizing the sale by any railroad company of its property and franchises.

Also: Senate Bill No. 143—An Act regulating the hours of service on regular duty of members of the police department of cities of the first class, cities of the first and one half class, and cities of the second class.

Also: Senate Bill No. 84—An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry.

GEO. C. PARDEE,
Governor of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 2, 1903.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 239—An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads.

Also: Senate Bill No. 75—An Act to amend Section 14 of an Act for the more effectual prevention of cruelty to animals.

Also: Senate Bill No. 343—An Act to amend Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court.

Also: Senate Bill No. 350—An Act to amend Section 3443 of the Political Code, relating to the purchase of swamp and overflowed or tide lands.

Also: Senate Bill No. 21—An Act creating a fund for the benefit and support of high schools and providing for its distribution.

Also: Senate Bill No. 240—An Act to regulate sales of perishable products on the wharves and other State property in the City and County of San Francisco.

Also: Senate Bill No. 51—An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers."

Also: Senate Bill No. 9—An Act to amend an Act entitled "An Act to authorize the State Board of Harbor Commissioners to establish and maintain a free public market upon the water front of San Francisco, and providing for the expenses and regulation thereof."

GEO. C. PARDEE,
Governor.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 215—An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 215 refused passage by the following vote:

AYES—Senators Bauer, Hahn, Hubbell, Knowland, Savage, Tyrrell of San Francisco, and Tyrrell of Nevada—7.

NOES—Senators Belshaw, Coggins, Corlett, Curtin, Diggs, Flint, Greenwell, Leavitt, Luchinger, Lukens, Nelson, Oneal, Ralston, Rowell, Sanford, Selvage, and Woodward—17.

At four o'clock P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senate Bill No. 425—An Act creating a Board of Bank Commissioners and prescribing their duties and powers.

Read third time on a previous day.

Senator Belshaw moved to refer to Senator Ralston, as a special committee of one, to amend as follows:

AMENDMENT No. 1.

Amend section one, line five, by striking out the word "four" and inserting in lieu thereof the word "two."

AMENDMENT No. 2.

Amend section four, line one, by striking out the word "more" and inserting in lieu thereof the word "both."

AMENDMENT No. 3.

Amend section six, line one, by striking out the word "any" and inserting in lieu thereof the word "either."

AMENDMENT No. 4.

Amend section fourteen, line two, by striking out the word "secretary" and inserting in lieu thereof the word "stenographer," and by striking out the words "two hundred dollars" and inserting in lieu thereof the words "seventy-five dollars."

Motion lost.

Senator Belshaw moved to refer to Senator Caldwell, as a special committee of one, to amend as follows:

Amend section two by inserting in the eighth line, next after the word "state," the following words: "and all such persons shall be subject in every respect to the laws of the State governing incorporated banks so far as they apply to such banking business, and no person or persons not incorporated and not holding a license to do a banking business at the time this Act takes effect shall do a banking business until he or they shall have complied with all the laws of this State relating to incorporated banks."

Motion lost.

Senator Curtin moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

Amend by striking out all of section twenty-six, and re-number section twenty-seven as "Section 26," and section twenty-eight as "Section 27," and section twenty-nine as "Section 28."

The question being on the motion to refer to a special committee of one.

The ayes and noes were demanded by Senators Curtin, Oneal, and Rowell.

The roll was called, and the motion lost by the following vote:

AYES—Senators Belshaw, Coggins, Curtin, Diggs, Flint, French, Oneal, Ralston, Rowell, Savage, Ward, and Welch—12.

NOES—Senators Bauer, Bunkers, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Nelson, Pendleton, Sanford, Tyrrell of San Francisco, Williams, Wolfe, and Woodward—14.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 425 passed by the following vote:

AYES—Senators Bauer, Bunkers, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Knowland, Lukens, Nelson, Pendleton, Plunkett, Ralston, Sanford, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—25.

NOES—Senators Belshaw, Caldwell, Curtin, Leavitt, Oneal, Rowell, and Savage—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Also: Assembly Bill No. 685—An Act making an appropriation of \$500 for the purpose of carpeting, repairing and repainting furniture in, and furnishing the office of the Clerk of the Supreme Court in the City and County of San Francisco, State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DEVLIN, Chairman.

Assembly Bills Nos. 367 and 685 ordered on file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Assembly Bill No. 542—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles or jars, making it a misdemeanor, and providing penalties for the violation thereof—have had the same under consideration, and respectfully report the same back without recommendation.

BAUER, Chairman.

Assembly Bill No. 542 ordered on file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Flint:

Resolved, That the name of Roy McPhail, Assistant Sergeant-at-Arms, be and the same is hereby ordered stricken from the payroll; and the Controller of State is hereby directed not to draw his warrant in favor of the same Roy McPhail from and after February 28, 1903.

Resolution read and adopted.

RECESS.

At four o'clock and thirty-five minutes P. M., on motion of Senator Belshaw, the President pro tem. declared the Senate at recess until eight o'clock P. M.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—35.

Quorum present.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Smith, the following message from the Governor was taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 2, 1903. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 251—An Act to select and adopt the "Golden Poppy" as the State flower of California.

GEO. C. PARDEE,
Governor of California.

PRESENTATION OF A PEN AS A MEMENTO.

Senator Smith, the author of the above bill, in expressing his gratification upon the same being approved by the Governor, said that Mrs. J. G. Lemmon, who had taken a life-long interest in the Golden Poppy, and to whose efforts was largely due the adoption of this flower as the floral emblem of the State, was present in the Senate chamber, and he therefore moved that Senator Shortridge present Mrs. Lemmon with the quill pen with which the Governor had approved the bill.

Senator Shortridge, in appropriate words, presented the pen to the lady, who accepted it, and in return gave a slight history of the work leading up to the final success of the end attained.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the special file of appropriation bills having been made a special order for this hour, the same was taken up.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Bill No. 16—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor—and to substitute therefor Assembly Bill No. 18.

Senate Bill No. 16 withdrawn and ordered stricken from the file, and Assembly Bill No. 18 substituted therefor on file.

Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Read third time.

Senator Lukens moved to refer to Senator Knowland, as a special committee of one, to amend as follows:

By striking out of section two, line seven, the words and figures "ten thousand (\$10,000)" and inserting in lieu thereof the following words and figures: "six thousand (\$6,000)."

Also: Strike out of section two, line eight, the words and figures "ten thousand (\$10,000)" and insert in lieu thereof the words and figures "six thousand (\$6,000)."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 18, with instructions to amend, respectfully reports the same back, amended as per instructions.

KNOWLAND, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and on file for final passage.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 131 passed by the following vote:

AYES—Senators Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Ralston, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—23.

NOES—Senators Bauer, Belshaw, Corlett, Knowland, Leavitt, Muenter, Rowell, Sanford, Selvage, and Shortridge—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Oneal gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 131 was this day passed.

STATEMENT BY SENATOR WOLFE.

The following statement was presented by Senator Wolfe:

Referring to the constitutional amendment introduced by Senator Oneal, relating to the moving of the capital of the State from Sacramento to San José, I desire to say that I was detained by sickness, and had I been here I should have voted for the amendment.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Devlin asked for and was granted unanimous consent to withdraw Senate Bill No. 48—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899—and to substitute therefor on file Assembly Bill No. 371.

Senate Bill No. 48 withdrawn and ordered stricken from the file, and Assembly Bill No. 371 substituted therefor on file.

Assembly Bill No. 371—An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 371 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, French, Hahn, Hubbell, Luchsinger, Lukens, Muentner, Nelson, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 152—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 152 passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Ralston, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—24.

NOES—Senators Bauer, Oneal, and Williams—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties, and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological research.

On motion of Senator Leavitt, passed on file, to retain place.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Bill No. 259—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and stenographer, and to appropriate money therefor—and to substitute therefor on file Assembly Bill No. 434.

Senate Bill No. 259 withdrawn and ordered stricken from the file, and Assembly Bill No. 434 substituted therefor on file.

Assembly Bill No. 434—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 206—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code), in that certain action in the Supreme Court of the State of California entitled County of San Luis Obispo vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T.

Gage, chairman of the Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners; Tirey L. Ford, member of the State Board of Examiners; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, numbered Sacramento No. 1042; and also in that certain action commenced in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled County of Butte vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, chairman of the State Board of Examiners of the State of California, Charles F. Curry, member of the State Board of Examiners of the State of California; Tirey L. Ford, member of the State Board of Examiners of the State of California; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, No. 9502; and also in those certain actions commenced in and decided by the Superior Court of the State of California in and for the County of Sacramento, and which were therein entitled W. L. Wood vs. State of California, No. 9555; W. L. Wood vs. State of California, No. 9622; Charles Bickerdike vs. State of California, No. 9608; National Bank of D. O. Mills & Co. vs. State of California, No. 9616; J. J. Bauer vs. State of California, No. 9304; C. A. Weaver vs. State of California, No. 9609; A. T. Lightner vs. State of California, No. 9613; Geo. Leonard vs. State of California, No. 9611; C. A. Pommer vs. State of California, No. 9610; L. C. Waite vs. State of California, No. 9612; W. S. Hooper vs. State of California, No. 9526; E. Weisbaum vs. State of California, No. 9615; J. F. Pryor vs. State of California, No. 9614; W. B. Waldron vs. State of California, No. 9617; San Francisco Law and Collection Co. vs. State of California, No. 9355; N. Weisbaum vs. State of California, No. 9616; San Francisco Law and Collection Co. vs. State of California, No. 9607; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled Samuel Davis vs. State of California, No. 6869; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, which was therein entitled Samuel Davis vs. State of California, No. 6871.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 206 passed by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Corlett, Curtin, Diggs, Hahn, Hubbell, Knowland, Leavitt, Luschinger, Lukens, Oncal, Plunkett, Ralston, Rowell, Savage, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—25.

NOES—Senators Belshaw and French—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER SET.

On motion of Senator Wolfe, the consideration of the file for the second reading of bills was made a special order for Tuesday evening, March 3, 1903, at eight o'clock.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 127—An Act making an appropriation to pay a judgment for the sum of \$5,880, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant," numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Read third time.

On motion of Senator Ward, passed on file, to retain place.

Senate Bill No. 128—An Act making an appropriation to pay a judgment for the sum of \$8,655 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "W. R. Guy, plaintiff, versus The State of California, defendant," numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

On motion of Senator Ward, passed on file, to retain place.

Senate Bill No. 470—An Act to appropriate the sum of \$185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Curtin moved a call of the Senate.

Time, nine o'clock and thirty minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—31.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At nine o'clock and thirty-four minutes P. M., Senators Shortridge, Smith, and Caldwell were brought before the bar of the Senate and, on motion of Senator Belshaw, were excused for being absent from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At nine o'clock and thirty-five minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Curtin.

The roll of absentees was called.

Whereupon the President pro tem. announced that Senate Bill No. 470 was passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, and Ward—23.

NOES—Senators Bauer, Byrnes, French, Leavitt, Oneal, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, Wolfe, and Woodward—11.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVES OF ABSENCE.

Senator Smith was, on his own motion, granted leave of absence for the evening.

Senator Wolfe was, on his own motion, granted leave of absence for the evening.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Assembly Bill No. 387—An Act to pay the claim of Tirey L. Ford, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 389 passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 275—An Act to appropriate \$500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4021 upon the register of the Superior Court of the County of Butte.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 275 passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Ralston, Rowell, Savage, Selvage, Ward, and Woodward—23.

NOES—Senators Leavitt, Plunkett, and Williams—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 481—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown

in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 481 passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Woodward—25.

NOES—Senators Bauer, French, Leavitt, Plunkett, and Williams—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 313—An Act making an appropriation to pay the judgment of \$550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book 3, page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 313 passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—23.

NOES—Senators Bauer, French, Leavitt, and Williams—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 471—An Act to appropriate the sum of \$400 to pay the claim of John E. Tucker against the State of California upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 471 passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Curtin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—22.

NOES—Senators Bauer, Corlett, French, Leavitt, Plunkett, and Williams—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

At nine o'clock and fifty minutes P. M., Hon. J. B. Curtin, State Senator from the Twelfth Senatorial District, in the chair.

Senate Bill No. 299—An Act making an appropriation to pay the judgment of \$1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, versus The State of California, defendant," and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. 3 of judgments of the Superior Court of Calaveras County, page 333.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 299 passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of Nevada, Ward, and Woodward—23.

NOES—Senators Bauer, Corlett, French, Leavitt, Plunkett, and Williams—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 309—An Act making an appropriation to pay the judgment of \$370 obtained in the Superior Court of the State of California in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book 3, page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. The State of California. defendant.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 309 passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, and Woodward—22.

NOES—Senators Bauer, Corlett, French, Leavitt, Nelson, Oneal, Plunkett, Tyrrell of Nevada, and Williams—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 255—An Act to appropriate \$2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 255 passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—25.

NOES—Senators Bauer, French, Leavitt, Nelson, Oneal, Plunkett, and Williams—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 212—An Act to appropriate \$55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 212 passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—23.

NOES—Senators Bauer, Leavitt, and Williams—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Shortridge was, on his own motion, granted leave of absence for the evening.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Flint asked for and was granted unanimous consent to withdraw Senate Bill No. 331—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor—and substitute therefor on file Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Senate Bill No. 331 withdrawn and ordered stricken from the file, and Assembly Bill No. 367 substituted therefor on file.

Also: Senate Bill No. 332—An Act making an appropriation for the California Polytechnic School—and substitute therefor on file Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School.

Senate Bill No. 332 withdrawn and ordered stricken from the file, and Assembly Bill No. 179 substituted therefor on file.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 305—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 305 passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 5—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 5 passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Lukens, Muentner, Nelson, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 399—An Act making an additional appropriation for the uses and purposes set out in an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899, and the several Acts amendatory of and supplemental thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 399 passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Sanford, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 238—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Read third time.

On motion of Senator Knowland, passed on file, to retain place.

Senate Bill No. 47—An Act to establish the California State dairy school and experiment farm, and to appropriate money therefor.

On motion of Senator Diggs, passed on file, to retain place.

Senate Bill No. 73—An Act to appropriate \$55,070.00 for the purchase of additional lands for the use of the Stockton State Hospital, with the existing improvements thereon; to purchase dairy cows and hogs, and to purchase irrigating plant, all for the use of said hospital.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 73 passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Hahn, Hubbell, Lardner, Lukens, Muentner, Nelson, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 26—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 26 passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 341—An Act to provide for the purchase of fire apparatus and machinery, and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

On motion of Senator Woodward, passed on file, to retain place.

Senate Bill No. 322—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

On motion of Senator Woodward, passed on file, to retain place.

Senate Bill No. 323—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

On motion of Senator Woodward, passed on file, to retain place.

Senate Bill No. 324—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

On motion of Senator Woodward, passed on file, to retain place.

Senate Bill No. 22—An Act to appropriate \$35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital, to purchase furniture and furnish the building so to be erected by the Board of Managers of said State hospital, to appropriate money therefor, and to provide for the expenditure of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 22 passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 37—An Act to appropriate the sum of \$7,500 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 37 passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Oneal, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 316—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-fourth fiscal year.

On motion of Senator Lukens, passed on file, to retain place.

Senate Bill No. 49—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

On motion of Senator Corlett, passed on file, to retain place.

Senate Bill No. 57—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction.

On motion of Senator Corlett, passed on file, to retain place.

Senate Bill No. 103—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos in the power-house at the Veterans' Home located at Yountville, Napa County, State of California.

On motion of Senator Corlett, passed on file, to retain place.

Senate Bill No. 602—An Act to appropriate the sum of \$7,000 for the purpose of laying the necessary pipe and placing in the several rooms of the State Capitol the necessary steam radiators to properly heat said rooms by steam.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 602 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Oneal, Ralston, Rowell, Savage, Selvage, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 189—An Act making appropriation of the sum of \$10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco, and for the Bay of San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 189 passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Oneal, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Williams—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 183—An Act to provide for purchasing land for the State fish hatchery at Sisson, in Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 183 passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Ralston, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 366—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 366 passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs,

Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 547—An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at "The Lewis and Clark Centennial Exposition," at Portland, Oregon, in 1905, and providing for the installing of an exhibit of the products of California therein, and providing for the appointment of a commissioner to carry this Act into effect, and providing also for compensation and the expenses of said commissioner and secretary.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 547 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 6—An Act to provide for the purchase of additional lands for the Napa State Hospital.

Read third time.

Senator Corlett moved to refer to Senator Coggins, as a special committee of one, to amend as follows:

Amend by inserting the following: "Sec. 3." before the word "This," in line one, page one, printed bill.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 6, with instructions to amend, respectfully reports the same back, amended as per instructions.

COGGINS, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 889—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor.

Also: Assembly Bill No. 98—An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw in the Superior Court of San Benito County, November 30, 1901, for and on account of coyote scalp bounty.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DEVLIN, Chairman.

Senate Bill No. 889 and Assembly Bill No. 98 ordered on file.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 21—An Act relating to ferries across navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers and to pay the expense thereof—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

WELCH, Chairman.

Assembly Bill No. 21 ordered on file.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Selvage:

Resolved, That at the evening session of the Senate, March 3, 1903, after the completion of the second-reading file, the consideration of Code Revision bills be taken up.

Resolution read.

Senator Leavitt moved to amend by striking out the words "code revision," and inserting the words "special appropriation file."

Amendment adopted.

Resolution as amended refused adoption.

By Senator Corlett:

Resolved, That the Secretary of the Senate be and is empowered to appoint an additional assistant with the same per diem as other Assistant Secretaries for the remainder of this session.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

ADJOURNMENT.

At the hour of ten o'clock and fifty-five minutes P. M., on motion of Senator Leavitt, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER, }
Tuesday, March 3, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luch-singer, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, March 2, 1903, the further reading was dispensed with, on motion of Senator Caldwell.

APPROVAL OF JOURNAL.

The Journal of Wednesday, February 25, 1903, being offered for approval, Senator Rowell moved that his vote be recorded as "aye" instead of "no" as shown in the roll call on Assembly Constitutional Amendment No. 6, page 21 of the Journal of that date.

POINT OF ORDER.

Senator Leavitt made the point of order that a roll call could not be corrected.

The President held the point of order well taken.

The President then announced that a statement could be made by the Senator or Senators whose votes had been erroneously recorded and the statements would be published in the Journal of this day, March 3, 1903, and reference to the same made in the Journal of the 25th of February.

Whereupon, the following statements were offered and ordered printed in the Journal of this day:

We, the undersigned, do protest against the record of the vote on Assembly Constitutional Amendment No. 6, as shown by the Senate Journal of Wednesday, February 25, 1903. Each of the undersigned having voted "aye" on the adoption of the amendment, and are recorded as having voted "no," request that this explanation of our vote be printed in the Senate Journal.

CHESTER ROWELL.
M. L. WARD.

Also:

I protest against the record of the Senate Journal of Wednesday, February 25, 1903, on the adoption of Assembly Constitutional Amendment No. 6, wherein I am recorded as having voted "aye" on the adoption of said amendment. My absence from the capitol on that date is sufficient evidence that I did not vote at all upon the adoption of said amendment, and I request that this explanation be printed in the Journal of this date.

JOHN R. TYRRELL.

Also:

I am recorded as having voted "no" on the adoption of Assembly Constitutional Amendment No. 6. I hereby protest against the record of roll call, as shown by the Journal of February 25, 1903, on this particular amendment, as I did not vote either for or against said amendment, when its adoption was under consideration on said date, as I was absent from the Senate chamber when the bill was under consideration and did not return in time to vote thereon, and I request that this explanation be printed in the Journal of this date.

T. H. SELVAGE.

The Journal of Wednesday, February 25, 1903, having been further corrected, was read and approved.

The Journal of Thursday, February 26, 1903, having been corrected, was read and approved.

COMMUNICATIONS.

The President laid before the Senate, the following communication, which was ordered printed in the Journal:

Resolutions adopted by the Board of Trustees of the Chamber of Commerce of San Francisco, February 28, 1903.

WHEREAS, We believe that every opportunity should be afforded to increase and develop the terminal, shipping, and general transportation facilities at San Francisco, which are so vital to our interests, and upon which so much of our prosperity depends; and

WHEREAS, The funds now available for the purpose of these improvements do not allow the Board of State Harbor Commissioners to make these needed and necessary improvements; and

WHEREAS, The bills known as Senate Bill No. 896 and Assembly Bill No. 925, now before the Legislature of the State of California, are designed to accomplish this purpose; therefore, be it

Resolved, That the Chamber of Commerce of San Francisco do hereby indorse the bills above named, and respectfully request the honorable Senate and Assembly of the State of California now in session to enact legislation as provided for in said Senate Bill No. 896 and said Assembly Bill No. 925; and be it further

Resolved, That a copy of this preamble and resolution be sent to each member of the said Senate and said Assembly of the State of California.

THE CHAMBER OF COMMERCE OF SAN FRANCISCO.

[SEAL]

Attest: E. SCOTT, Secretary.

GEO. A. NEWHALL, President.

Also: The following communication was received by the Secretary, and was ordered printed in the Journal:

UKIAH, March 1, 1903.

F. J. BRANDON, Esq.:

MY DEAR MR. BRANDON: I have received the beautifully engrossed and framed copy of joint resolution adopted by the Senate and the Assembly.

Allow me to tender my most heartfelt thanks for the touching memorial to my dear husband.

Yours sincerely,

LUCY F. SEAWELL.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 11—Memorializing Congress to give consideration to House Bill 11,538, relative to the purchase or condemnation of the principal grove of the California Sequoia gigantea in Calaveras County.

Also: Assembly Constitutional Amendment No. 19—Proposed amendment to Article VI of the Constitution, relative to depositing public funds of any county, city and county, or city, or town.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Senate Joint Resolution No. 11 ordered to enrollment.

Assembly Constitutional Amendment No. 19 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 9—Approving twelve amendments to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, submitted to, voted for, and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 16th day of February, 1903.

And passed Assembly Bill No. 821—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Also: Assembly Bill No. 570—An Act making an appropriation for repairs and improvements at the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Senate Bill No. 594—An Act to prohibit the use of the bristle-bur, tack-bur, or other like devices on horses or other animals in this State.

Also: Senate Bill No. 41—An Act appropriating the sum of \$2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California.

Also: Senate Bill No. 382—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

Also: Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 625a, relating to unlawful interferences with public fire-alarms.

Also: Amended, and passed as amended, Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Assembly Concurrent Resolution No. 9 read first time, and, on motion of Senator Corlett, ordered on file without reference to committee, being identical with Senate Concurrent Resolution No. 13.

Assembly Bill No. 821 read first time, and, on motion of Senator Nelson, ordered on file without reference to committee, being identical with Senate Bill No. 632.

Assembly Bill No. 570 read first time, and referred to Committee on Finance.

Senate Bills Nos. 594, 41, 382, and 406 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 85?"

Amend title of printed bill by striking out the figures "594," and in lieu thereof inserting the figures "595."

The roll was called, and the Assembly amendment to Senate Bill No. 85 was concurred in by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lukens, Muenter, Nelson, Pendleton, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Wolfe, and Woodward—27.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 86—An Act to appropriate \$410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 87—An Act to appropriate \$4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 88—An Act to appropriate \$1,080 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Alameda.

Also: Assembly Bill No. 89—An Act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Assembly Bill No. 86 read first time, and referred to Committee on Finance.

Assembly Bill No. 87 read first time, and referred to Committee on Finance.

Assembly Bill No. 88 read first time, and referred to Committee on Finance.

Assembly Bill No. 89 read first time, and referred to Committee on Finance.

RESOLUTION.

The following resolution was offered:

By Senator Flint:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senators Flint and Diggs be and they are hereby permitted to introduce Senate Bills Nos. 908, 909, 910, and 911.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—33.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bills were introduced:

By Senator Diggs: Senate Bill No. 908—An Act making an appropriation to pay the claim of the County of Butte for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Bill read first time, and referred to Committee on Finance.

By Senator Flint: Senate Bill No. 909—An Act making an appropriation to pay the claim of the County of San Benito for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 910—An Act making an appropriation to pay the claim of the County of San Luis Obispo for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 911—An Act making an appropriation to pay the claim of the County of Monterey for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Bill read first time, and referred to Committee on Finance.

RESOLUTIONS.

The following resolutions were offered:

By Senator Selvage:

Resolved, That on Wednesday, March 4th, immediately after the consideration of reports of standing committees, the Senate proceed to the consideration of the Code Revision file and remain thereon until the hour of recess; also, after the consideration of the Assembly file in the afternoon until the hour of recess.

Resolution read and adopted.

By Senator Devlin:

Resolved, That C. A. Fisk be employed as Electrician, to take charge of the electric lights of the Senate chamber, at \$3.00 per diem, commencing February 24, 1903; that the Controller be and he is hereby directed to draw his warrant on the State Treasurer for the same, and the Treasurer is hereby authorized to pay the same out of the Contingent Fund of the Senate.

Resolution read.

Senator Devlin moved the adoption of the resolution without reference to committee.

Motion carried.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Rowell, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—28.

NOES—None.

BILL RECALLED FROM COMMITTEE AND PLACED ON FILE.

Senator Nelson moved that Assembly Bill No. 689—An Act to amend Sections 1036 and 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California—be recalled from Committee on Judiciary and placed on file, it being identical with Senate Bill No. 486—An Act to amend Sections 1036 and 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California—and that Senate Bill No. 486 be withdrawn.

WITHDRAWAL OF BILL.

Senate Bill No. 486 withdrawn, and ordered stricken from the file.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Curtin asked for and was granted unanimous consent to have Senate Bill No. 686 taken up for immediate consideration.

Senate Bill No. 686—An Act to amend Sections 224, 226, and 227 of the Civil Code, all relating to the adoption of children.

Read third time.

Senator Curtin moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

By striking out all of section one, and renumbering Sections 2 and 3 as Sections 1 and 2, respectively.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 686, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senator Curtin asked for and was granted unanimous consent to have Senate Bill No. 531 taken up for immediate consideration.

Senate Bill No. 531—An Act to amend Sections 1699 and 1702 of the Code of Civil Procedure, both relating to trustees of the estates of deceased persons.

Read third time.

Senator Curtin moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

By striking out all of Section 1699, and inserting in lieu thereof the following:

"1699. Where any trust has been created by or under any will to continue after distribution, the superior court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction thereof for the purpose of the settlement of accounts under the trust. And any trustee created by any will, or appointed to execute any trust created by any will, may, from time to time, pending the execution of his trust, or may at the termination thereof, render and pray for the settlement of his accounts as such trustee, before the superior court in which the will was probated, and in the manner provided for the settlement of the accounts of executors and administrators. The trustee, or in case of his death, his legal representatives, shall for that purpose present to the court his verified petition, setting forth his accounts in detail, with a report showing condition of trust estate together with a verified statement of said trustee, giving the names and postoffice addresses, if known, of the cestui que trust, and upon the filing

thereof the court or judge shall fix a day for the hearing. The clerk must thereupon give notice thereof of not less than ten days, by causing notices to be posted in at least three public places in the county, setting forth the name of the trust estate, the trustee, and the day appointed for the settlement of the account. The court, or a judge thereof, may order such further notice to be given as may be proper. Such trustee may, in the discretion of the court, upon application of any beneficiary of the trust, or the guardian of such beneficiary, be ordered to appear and render his account, after being cited by service of citation, as provided for the service of summons in civil cases. And such application shall not be denied where no account has been rendered to the court within six months prior to such application. Upon the filing of the account so ordered, the same proceedings for the hearing and settlement thereof shall be had as hereinabove provided."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 531, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

BILLS RECALLED FROM COMMITTEE AND PLACED ON FILE.

Senator Pendleton moved that Assembly Bill No. 585—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the Prosecuting Attorney and Assistant Prosecuting Attorney, their appointment and term of office—be recalled from Committee on Judiciary and placed on file.

Motion carried.

Senator Muentner moved that Assembly Bill No. 201—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor—and Assembly Bill No. 158—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction—be recalled from Committee on Military Affairs and placed on file.

Motion carried.

WITHDRAWAL OF BILLS.

Senator Muentner asked for and was granted unanimous consent to withdraw Senate Bill No. 49—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor—and Senate Bill No. 57—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction.

Senate Bills Nos. 49 and 57 withdrawn and ordered stricken from the file.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Bauer asked for and was granted unanimous consent to have Senate Bill No. 737 taken up for immediate consideration.

Senate Bill No. 737—An Act to amend Sections 1386, 1387, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

Read third time.

Senator Bauer moved to refer to Senator Ward, as a special committee of one, to amend as follows:

By striking out of section four, page four, printed bill, all after the word "wedlock" in line seven, down to the period after the word "law" in line ten.

Also: Strike out section two, pages three and four, printed bill.

Also: Amend by striking out "Sec. 4" in page four, printed bill, and numbering same "Sec. 2."

Also: "Sec. 5," page four, and numbering same "Sec. 3."

Also: "Sec. 6," page four, and numbering same "Sec. 4."

Also: "Sec. 7," page five, and numbering same "Sec. 5."

Also: "Sec. 8," page five, and numbering same "Sec. 6."

Also: "Sec. 9," page five, and numbering same "Sec. 7."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 737, with instructions to amend, respectfully reports the same back, amended as per instructions.

WARD, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senator Oneal asked for and was granted unanimous consent to have Senate Bill No. 616 taken up for immediate consideration.

Senate Bill No. 616—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, and to the increase or diminution of the capital stock of corporations, and to the creation or increase of bonded indebtedness of corporations, and to the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Wolfe asked for and was granted unanimous consent to have Senate Bill No. 516 taken up for immediate consideration.

Senate Bill No. 516—An Act to regulate the work and hours of selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Read third time.

Senator Wolfe moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

By inserting in line one, section one of printed bill, after the word "person," the following: "employed by any person, firm, or corporation."

Also: By inserting after line six, section one, the word "such."

Also: Insert in line one, section two, after the word "person" and before the word "employing," the following: "firm or corporation."

Also: Insert in line one, section three, after the word "person," the following: "firm or corporation."

Also: Amend title by adding after the word "hours," in line one of title, the words "of employé engaged in."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 516, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senator Devlin asked for and was granted unanimous consent to have Senate Bill No. 657 taken up for immediate consideration.

Senate Bill No. 657—An Act authorizing the State of California to accept a deed from Henry Cowell of certain land in the County of Mendocino, to be known as "Rowland Cowell Park," on certain conditions.

During second reading of bill, the following amendment was offered:

By Senator Devlin.

To amend the title by striking out the letter "w" in the word "Rowland" in line three of the title.

Amendment adopted.

Also:

Amend section one, line twelve, by striking out the letter "w" in the word "Rowland."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senator Shortridge asked for and was granted unanimous consent to have Assembly Bill No. 816 taken up for immediate consideration.

Assembly Bill No. 816—An Act supplemental to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, concerning the resignation, relinquishment or surrender of rights, powers, privileges and duties reserved to or vesting in the founder or founders, surviving founder, or wife or widow of any founder, of any institution created or founded under or pursuant to said Act, and concerning the assumption and exercise of powers and duties by the trustee or trustees of such institution.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 816 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—33.

NOES—None.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 653—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Also: Engrossed Assembly Bill No. 134—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Have had the same under consideration, and respectfully report the same back, and recommend that said bills do pass.

BYRNES, Chairman.

Senate Bill No. 653 and Assembly Bill No. 134 ordered on file.

SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on San Francisco Delegation, to whom was referred Assembly Bill No. 380—An Act to amend Section 791, relating to notaries public, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Also: Senate Bill No. 896—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners.

Have had the same under consideration, and respectfully report the same back, and recommend that said bills do pass.

WOLFE, Chairman.

Assembly Bill No. 380 and Senate Bill No. 896 ordered on file.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Assembly Bill No. 697—An Act to provide for the purchase of fire apparatus and machinery, and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Assembly Bill No. 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Also: Assembly Bill No. 562—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass, and be referred to Committee on Finance.

MUENTER, Chairman.

Assembly Bills Nos. 697, 258, and 562 referred to Committee on Finance.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 806—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks and employes of such officers, and for the compensation of such officers, their assistants, deputies, clerks and employes.

Also: Senate Bill No. 777—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 55 thereof, by providing for an official shorthand reporter, and to add a new section thereto, to be numbered 152a, providing for the manner of the appointment of an official shorthand reporter, and prescribing his duties.

Also: Senate Bill No. 779—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 901—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 173 thereof.

Also: Senate Bill No. 614—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 47 thereof.

Also: Senate Bill No. 672—An Act to amend Section 166 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 640—An Act to amend an Act entitled "An Act to establish the fees of county, township and other officers, and of jurors and witnesses in this State," approved March 23, 1895.

Also: Senate Bill No. 676—An Act to amend Section 46 of an Act entitled "An Act to amend an Act entitled An Act to establish a uniform system of county and township

governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to compensation of county officers and court reporter or official reporter of the Superior Court in counties of the forty-second class.

Also: Senate Bill No. 477—An Act to amend Section 55 of the County Government Act, approved April 1, 1897, relating to the number of county officers and the consolidation of county offices.

Also: Senate Bill No. 479—An Act relating to the appointment of registration clerks by the County Clerks, and the term for which said registration clerks shall hold office, also prescribing the powers and duties of said registration clerks.

Also: Senate Bill No. 480—An Act to make women eligible to educational offices, and to the positions of official reporter and registration clerk.

Also: Senate Bill No. 374—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, relating to salaries and fees of township officers.

Also: Senate Bill No. 905—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 190 thereof, relating to counties of the thirty-third class.

Also: Assembly Bill No. 582—An Act to re-enact Section 681 of the Political Code, relating to the duties of clerks of Boards of Supervisors, Trustees, Common Council, or other governing board or body of a county, city and county, city or town, or school district in this State, upon the issuance and sale of bonds for any purpose, and decreeing that the State shall not be required to file a certified check, bond, or other assurance in law upon its application to purchase.

Also: Assembly Bill No. 212—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

Also: Assembly Bill No. 301—An Act to amend Section 1818 of the Political Code, relating to the duties of Boards of Supervisors levying county school tax.

Also: Assembly Bill No. 686—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be designated as 177½, relating to the appointment of a deputy by the Treasurers of counties of the twentieth class, and to the amount and payment of the salary of such deputy.

Also: Assembly Bill No. 701—An Act to provide for the holding of annual conventions of county and city and county Supervisors, for the purpose of considering matters of general and special importance to the several county governments.

Also: Assembly Bill No. 703—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 160 thereof, relating to the compensation of officers of counties of the third class.

Also: Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Also: Assembly Bill No. 49—An Act to amend Section 211 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of officers of counties of the fifty-fourth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 559—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class.

Also: Senate Bill No. 597—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months; and providing for the publication of a fair statement of all the proceedings of the board.

Also: Senate Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to counties of the third class.

Also: Senate Bill No. 904—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 192 thereof, relating to counties of the thirty-fifth class.

Also: Assembly Bill No. 544—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Assembly Bill No. 415—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by omitting from Subdivision 21 of said Section 25 the provision forbidding the

purchase of supplies, printing, stationery or books from persons or firms whose paper has not been published, or whose place of business established in the county for one or more years prior to the time for fixing prices, and adding a provision in place of the part omitted, that no supplies of printed, or lithographed, or partly printed stationery or blanks, or blank books, printed or partly printed or partly lithographed shall be procured or purchased, unless such articles have been printed and bound or lithographed or will be printed and bound or lithographed and manufactured in the State of California; all job printing and lithographing and advertising under this section shall be done in the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 363—An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Senate Bill No. 565—An Act to authorize the appointment of an interpreter of the Spanish language, in criminal proceedings, in counties and cities and counties of one hundred thousand inhabitants and over.

Also: Senate Bill No. 592—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 169 thereof, relating to counties of the twelfth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 353—An Act entitled an Act to amend Subdivision 9 of Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," relating to the office of county detective, creating the same and fixing the salary thereof.

Also: Senate Bill No. 419—An Act to establish the fees which shall be charged by Sheriffs for keeping and caring for property under attachment or execution.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 100—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep—have had the same under consideration, and respectfully report the same back, and recommend that author withdraw the same.

WOODWARD, Chairman.

Senate Bills Nos. 806, 777, 779, 901, 614, 672, 640, 676, 477, 479, 480, 374, 905, 559, 597, 578, 904, 363, 565, 592, 353 and 419, and Assembly Bills Nos. 582, 212, 301, 686, 701, 703, 411, 49, 544, and 415 ordered on file.

WITHDRAWAL OF BILL.

Senator Diggs asked for and was granted unanimous consent to withdraw Senate Bill No. 100—An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep.

Senate Bill No. 100 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 692—An Act to prevent the employment of children under the age of fourteen years, and females, in mines and smelters.

Also: Assembly Bill No. 28—An Act to add a new section to the Penal Code and to Title IX, Chapter 11 thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age, and providing a penalty for the violation of the same.

Also: Senate Bill No. 898—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Have had the same under consideration, and respectfully report the same back, and recommend that said bills do pass.

Also: Senate Bill No. 564—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish and support a Bureau of Labor Statistics, approved March 3, 1883,'" approved February 8, 1889—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass as amended.

FRENCH, Chairman.

Assembly Bills Nos. 692 and 28, and Senate Bills Nos. 898 and 564 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 652—An Act to amend Section 869 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, amended March 14, 1885, relative to the taking and authentication of testimony on examinations in criminal cases, and to provide for the fees to be paid therefor.

Also: Assembly Bill No. 55—An Act to validate and legalize the retention of fees heretofore retained by the Recorders and Mining Recorders of the various counties of this State for the recording of notices of location of mining claims, and the recording of affidavits of annual expenditure upon such claims, and to provide for their retention hereafter by such officers for such services.

Also: Senate Bill No. 569—An Act adding a new section to the Code of Civil Procedure, to be known as Section 1434, relating to change of venue in cases of estates and guardianships.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Senate Bill No. 314—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employes—have had the same under consideration, and respectfully report the same back, and recommend that the author withdraw same.

LUKENS, Chairman.

Senate Bills Nos. 652, 569, and 304, and Assembly Bill No. 55 ordered on file.

WITHDRAWAL OF BILL.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Bill No. 314.

Senate Bill No. 314 withdrawn, and ordered stricken from the file.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 679—An Act to provide for the care, management, and protection of State highways—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

Also: Senate Bill No. 814—An Act to provide for locating, surveying, and maintaining a State highway from Pescadero, in the County of San Mateo, to the Santa Cruz County line, to connect with a road to the California Redwood Park, and making an appropriation therefor.

Also: Senate Bill No. 362—An Act for the improvement, construction, and maintenance of a public highway from a point at or near the Town of Saratoga, County of Santa Clara, State of California, southwesterly through the counties of Santa Clara, San Mateo, and Santa Cruz, to and into the California Redwood Park, in said Santa Cruz County, and making an appropriation, extending aid to the said counties of Santa Clara, San Mateo, and Santa Cruz, for such purpose, under the control and direction of the Redwood Park Commission.

Have had the same under consideration, and respectfully report the same back without recommendation, and that they be referred to Committee on Finance.

Also: Assembly Bill No. 694—An Act to provide for locating and surveying a State highway from a point on the Trinity River, in Trinity County, near the Town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass, and that the same be referred to Committee on Finance.

LARDNER, Chairman.

Assembly Bill No. 679 ordered on file.

Senate Bills Nos. 814 and 362, and Assembly Bill No. 694 referred to Committee on Finance.

At eleven o'clock and twenty-five minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Lukens asked for and was granted unanimous consent to have Senate Bill No. 304 taken up for immediate consideration.

Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligation of employers.

Refused passage on a previous day.

Vote having been reconsidered, and bill on file for passage.

Senator Lukens moved to refer to Senator Luchsinger, as a special committee of one, to amend as follows:

By striking out of section one, line nine, the words "in the course of the employer's business," etc., down to and including the words "performance of his work" in line eleven of said section, and inserting the following: "the negligence causing the injury was committed in the performance of a duty the employer owes by law to the employé."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 304, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the motion to reconsider the vote whereby Senate Bill No. 269 was passed having been set as a special order for this hour, the same was taken up.

The question being on the motion to reconsider.

The roll was called, and the motion to reconsider carried by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Savage, Selvage, Shortridge, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—27.

NOES—Senators Bauer, Lardner, Rowell, and Tyrrell of San Francisco—4.

Senate Bill No. 269—An Act regulating the furnishing of light or power to incorporated cities, manner for payment for the same, and penalty for violation of the provisions of said Act.

On motion of Senator Wolfe, the bill was re-referred to Committee on Corporations.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

The Senate proceeded to consider the daily file.

Senate Joint Resolution No. 5—Relative to Venezuela affairs.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 320—An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the

powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 320 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Lucensinger, Lukens, Nelson, Plunkett, Rowell, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Wolfe, and Woodward—26.

NOES—Senators Flint and Sanford—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 94—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes in the State of California.

On motion of Senator Lukens, passed on file, to retain place.

Senate Bill No. 72—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

On motion of Senator Lukens, passed on file, to retain place.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 242—An Act to protect trade and commerce against unlawful restraints and monopolies—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

LUKENS, Chairman.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Hahn asked for and was granted unanimous consent to withdraw Senate Bill No. 242—An Act to protect trade and commerce against unlawful restraints and monopolies—and to substitute therefor on file Senate Bill No. 243.

Senate Bill No. 242 withdrawn and ordered stricken from the file, and Senate Bill No. 243 substituted therefor on file.

Senate Bill No. 243—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

On motion of Senator Hahn, passed on file, to retain place.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 574—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901.

On motion of Senator Pendleton, passed on file, to retain place.

Senate Bill No. 633—An Act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts wherein there are or may be pending actions to enforce the right of eminent domain to give such actions preferences

over all other civil cases, in the matter of setting the same for hearing or trial, and in hearing the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 633 passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Knowland, Luchsinger, Nelson, Pendleton, Rowell, Savage, Selvage, Shortridge, Ward, Williams, Wolfe, and Woodward—22.

NOES—Senator Lukens—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

Senator Ralston was, on motion of Senator Caldwell, granted leave of absence for the day.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 123—An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872.

On motion of Senator Sanford, passed on file, to retain place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Pendleton, for Senator Smith, asked for and was granted unanimous consent to withdraw Senate Bill No. 263—An Act to appropriate the sum of \$40 to pay the claim of B. M. Poore for money due and owing the said B. M. Poore from the State of California—and substitute therefor on file Senate Joint Resolution No. 9.

Senate Bill No. 263 withdrawn and ordered stricken from the file, and Senate Joint Resolution No. 9 substituted therefor on file.

SENATE JOINT RESOLUTION No. 9.

Relative to the claim of Jessie Benton Fremont's heirs to compensation for property taken by the United States for public purposes in 1863.

WHEREAS, Certain land owned by Jessie Benton Fremont was taken by the United States for public purposes in the year 1863, and no payment therefor has ever been made; and

WHEREAS, In addition to the mere legal obligation, it cannot be forgotten that Jessie Benton Fremont was the worthy helpmate of a man whose genius and fortitude placed his country in his debt forever; yet that she died in straitened circumstances, leaving to an only daughter a noble name, poverty, and this claim; therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That we do respectfully urge the Congress of the United States to make such provision for the payment of said claim as may now seem just.

Resolved, That a copy of this resolution be transmitted by mail to the President of the Senate and Speaker of the House of Representatives of the Congress of the United States, and to each of the Senators and Representatives from California in said Congress.

Joint resolution read.

The question being on the adoption of the joint resolution.

The roll was called, and Senate Joint Resolution No. 9 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Diggs, Flint, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—26.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 386—An Act to amend Section 1791 of the Political Code of the State of California, relating to city and city and county boards of examination.

On motion of Senator Welch, passed on file, to retain place.

Senate Bill No. 66—An Act to amend Section 103 of the Code of Civil Procedure, relating to Justices' Courts and Justices of the Peace.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 66 passed by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Corlett, Diggs, Flint, French, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—22.

NOES—Senator Bunkers—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 430—An Act to amend Section 4161 of the Political Code, relating to public money in the hands of the County Treasurer.

On motion of Senator Leavitt, passed on file, to retain place.

WITHDRAWAL OF BILL.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 334—An Act to regulate the use of illuminating gas.

Senate Bill No. 334 withdrawn, and ordered stricken from the file.

BILL RECALLED FROM COMMITTEE AND ORDERED ON FILE.

On motion of Senator Leavitt, Assembly Bill No. 523—An Act to regulate the use of illuminating gas—was recalled from Committee on Public Health and Quarantine, and ordered on file.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 151—An Act to amend Sections 10 and 11 of an Act to provide for the organization and management of county fire insurance companies.

On motion of Senator Hahn, passed on file, to retain place.

Senate Bill No. 155—An Act to amend Section 1489 of the Political Code, relating to the powers and duties of Boards of Trustees of the Normal Schools in the State of California.

On motion of Senator Oneal, passed on file, to retain place.

Senate Bill No. 387—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

On motion of Senator Welch, passed on file, to retain place.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Savage asked for and was granted unanimous consent to withdraw Senate Bill No. 209—An Act to amend an Act entitled "An Act to create a State Board of Accountancy and prescribe its duties and powers; to provide for the examination of and issuance of certificates to qualified applicants, with the designation of certified public accountant; and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, by amending Section 2 thereof—and

substitute therefor on file Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XIII of the State Constitution by adding thereto a new section, to be numbered 1 $\frac{1}{2}$, relative to exemption of shipping from taxation.

Senate Bill No. 209 withdrawn and ordered stricken from the file, and Senate Constitutional Amendment No. 11 substituted therefor.

SPECIAL ORDER SET.

On motion of Senator Savage, the consideration of Senate Constitutional Amendment No. 11 was made a special order for this day, immediately after the consideration of the special file of Assembly bills.

CONSIDERATION OF DAILY FILE—(RESUMED).

Senate Bill No. 376—An Act regulating the use of trade-union labels upon printed matter furnished by or for the State of California.

On motion of Senator Bunkers, passed on file, to retain place.

Senate Bill No. 377—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles, or jars, making it a misdemeanor, and providing penalties for the violation thereof.

On motion of Senator Bunkers, passed on file, to retain place.

Senate Bill No. 247—An Act to provide for the appointment of a county livestock, dairy, food, and sanitary inspector, prescribing his duties, powers, and compensation.

Read third time.

Senator Rowell moved to refer to Senator Belshaw, as a special committee of one, to amend as follows:

Amend by striking out the words "when possible," in line seven, first page, printed bill.
Also: Amend by striking out the words "mileage, not to exceed ten cents per mile actually traveled, the same to be fixed by the Board of Supervisors," in lines three, four, and five, first and second pages, printed bill, and inserting in lieu thereof the following: "his actual expenses per itemized account, not to exceed the sum of thirty dollars in any one month."

Also: Amend by adding the words "of such animal," to be inserted after the word "examination," in line six, section six, second page, printed bill.

Also: Amend by inserting the words "these are" immediately after the word "place," in line seven, third page, printed bill, section eight.

Also: Amend by striking out the words "This Act not to interfere or conflict in any manner with the regulation as may be issued by the State or Federal authorities providing for the movements of cattle," in lines fourteen, fifteen, sixteen, and seventeen, third page, printed bill, section eight, and inserting in lieu thereof the following: "This Act not to interfere or conflict in any manner with the movements of cattle under such regulations as now are or may be prescribed by the State or Federal authorities providing for the movement of cattle."

Also: Amend by striking out the words "and branded" in line five, third page, printed bill, section nine.

Also: Amend by striking out all of section twelve, and inserting the following:

"SEC. 12. It shall be the duty of the county live stock, dairy, food, and sanitary inspector to inspect all cattle kept for dairying, creamery, or milking purposes in the county, by making a physical examination other than the tuberculin test, except when so requested by the owner or owners of the dairy or cattle in question, and also to inspect all animals intended to be slaughtered for human food, in order to ascertain the pathological condition of such animals, and to condemn and cause to be removed from contact with other animals all such animals as may be found to be unfit to be converted into human food, or suffering from any contagious or infectious disease, and the owner or person in charge of any such animal unfit to be converted into human food, or suffering from any contagious or infectious disease, shall destroy the same immediately after reasonable opportunity for examination by experts employed by him; to condemn and cause to be destroyed all meats, poultry, game, or fish, exposed or intended for sale for human food, which may be found to be wholly or partly diseased, decomposed, putrid,

or infected, and to prevent the sale of milk from any diseased cow, or other diseased animal, and all such milk as is found to be unclean or adulterated, by destroying or disposing of same."

Also: Amend by striking out all of section three and inserting the following:

"Sec. 3. Any animal or animals inspected by the county live stock, dairy, food and sanitary inspector which are infected or affected with any contagious, infectious or other disease capable of affecting the products of said animal and liable to be communicated to the consumer of said products shall be removed from contact with other animals and shall be destroyed by the owner or party in charge thereof immediately after a reasonable opportunity for examination by experts employed by him."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 247, with instructions to amend, respectfully reports the same back, amended as per instructions.

BELSHAW, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

RECESS.

At twelve o'clock and thirty minutes P. M., the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 538—An Act making an appropriation to pay the deficiency in the appropriation for care of State Armory, cleaning and transportation of arms, traveling and contingent expenses of the Adjutant-General for the fifty-third fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 538 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Curtin, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Rowell, Sanford, Savage, Selva, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 557—An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 557 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Curtin, Diggs, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal,

Pendleton, Rowell, Sanford, Savage, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 756—An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Surveyor-General's office for the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 756 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Diggs, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 537—An Act to amend Section 501 of the Civil Code of the State of California.

During second reading of bill, the following amendments were offered: By Senator Ward:

Amend by striking out the word "the" before the word "Senate," in the enacting clause of the printed bill.

Amendment adopted.

Also:

Amend by adding to the title the words "relating to operating cars by street railroad corporations."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to Section 10 of Article XIII of the Constitution of the State of California, in relation to revenue and taxation.

Constitutional amendment read.

On motion of Senator Sanford, passed on file, to retain place.

Assembly Bill No. 314—An Act to add a new section to the Penal Code of the State of California, to be numbered 373a, making a continuance of a public nuisance after notice from a Health Officer or District Attorney to remove or abate the same a misdemeanor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 546—An Act to amend Section 14 of the Civil Code of the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 35—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings."

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the following words appearing above the word "An Act" in title of printed bill, viz.: "Statutes 1875-76, Chapter CCCXXV—An Act to regulate con-

tracts on behalf of the State in relation to erections and buildings," approved March 23, 1876.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

Amendment adopted.

Also:

Amend by striking out the period (.) after the word "buildings" in the title, and inserting in lieu thereof a comma (,) and adding thereto the words "approved March 23, 1876."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 40—An Act to amend subdivision five of Section 542 of the Code of Civil Procedure of the State of California, relating to the attachment of real and personal property, and directing how growing crops may be attached.

During second reading of bill, the following amendment was offered:

By Senator Rowell:

Strike out of section one, line one, page one, the figures "542," and in lieu thereof insert the figure "1."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

CONSIDERATION OF ASSEMBLY BILL—(OUT OF ORDER).

Senator Lukens asked for and was granted unanimous consent to have Assembly Bill No. 524 taken up for immediate consideration.

Assembly Bill No. 524—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions, for the remainder of the fifty-fourth fiscal year.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 100—An Act to amend Section 328 of the Code of Civil Procedure of California, relating to the time of commencing actions for the recovery of real property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 493—An Act to amend Article VI of Chapter XIV of Title II of Part III of the Code of Civil Procedure of the State of California by adding thereto a new section, to be numbered 1810, relating to the sale of real estate by guardians of incompetent persons in certain cases, and providing procedure under which contracts for the sale of real estate made by persons prior to becoming incompetent may be carried into effect or otherwise disposed of.

On motion of Senator Hahn, passed on file, to retain place.

Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code of the State of California, relating to County Boards of Education.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the words "Section 1768 of the Political Code of the State of California is amended to read as follows." in lines one and two, first page, printed bill, and inserting in lieu thereof the following:

"SECTION 1. Section 1768 of the Political Code is hereby amended to read as follows:"

Amendment adopted.

Also:

Amend by inserting the word and figures "Section 1768" at the beginning of line three, first page, printed bill.

Amendment adopted.

Also:

Amend by striking out the words "the members" in line seven, first page, printed bill, and inserting in lieu thereof the following: "a majority of the members."

Amendment adopted.

Also:

Amend by striking out the words and commas ", who shall be experienced teachers," in lines twelve and thirteen, first page, printed bill.

Amendment adopted.

Also:

Amend by striking out the words and commas ", who shall be experienced teachers," in lines fourteen and fifteen, first and second pages, printed bill.

Amendment adopted.

Also:

Amend by striking out the words and commas ", who shall be experienced teachers," in lines eighteen and nineteen, second page, printed bill.

Amendment adopted.

Also:

Amend by striking out the words "appointed from persons," in line twenty-three, second page, printed bill, and inserting in lieu thereof the following: "a person."

Amendment adopted.

Also:

Amend by striking out the words "This Act shall take effect immediately. All Acts in conflict herewith are repealed," in lines one and two, second page, printed bill, and inserting in lieu thereof the following:

"Sec. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

WITHDRAWAL OF BILL.

Senator Coggins asked for and was granted unanimous consent to withdraw Senate Bill No. 593—An Act to amend Section 1768 of the Political Code of the State of California, relating to County Boards of Education.

Senate Bill No. 593 withdrawn, and ordered stricken from the file.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 300—An Act to amend Section 1817 of the Political Code, relating to the duties of County Superintendents of Schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 332—An Act to provide for the change of name of school districts, and the manner of making such change.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 21—An Act relating to ferries across navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof.

During second reading of bill, the following amendment was submitted by the committee:

Amend bill as follows: After section three, add the following:

"Sec. 4. No ferry shall be established or operated within one mile of any duly licensed toll ferry until said county or counties have first acquired the property of such licensed ferry by purchase or condemnation, and such county or counties are hereby empowered to acquire, by purchase or condemnation, any licensed ferry, including the boats, landing, wharves, or other property used for such ferry purposes, and the provisions of law and practice applicable to suits for condemnation are hereby made applicable to proceedings under the Act."

The question being on the adoption of the amendment.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Devlin, Knowland, Lukens, Oneal, Selvage, and Woodward—6.

NOES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Diggs, Flint, French, Luchsinger, Nelson, Pendleton, Plunkett, Rowell, Savage, Shortridge, Tyrell of San Francisco, Tyrell of Nevada, Ward, and Williams—20.

Bill read second time, and ordered to third reading.

Assembly Bill No. 622—An Act to amend Section 457 of the Political Code.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 571—An Act to amend Section 485 of the Political Code, and to provide for the appointment of a Deputy Surveyor-General and Assistant Surveyor-General, and a clerk for the Surveyor-General, and to fix their compensation.

Bill read second time, and ordered on file for third reading.

At three o'clock P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Assembly Bill No. 44—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Read third time.

On motion of Senator Savage, passed on file, to retain place.

Assembly Bill No. 493—An Act to amend Article VI of Chapter XIV of Title II of Part III of the Code of Civil Procedure of the State of California by adding thereto a new section, to be numbered 1810, relating to the sale of real estate by guardians of incompetent persons in certain cases, and providing procedure under which contracts for the sale of real estate made by persons prior to becoming incompetent may be carried into effect or otherwise disposed of.

During second reading of bill, the following amendments were offered:

By Senator Hahn:

Amend by adding in line one, page one, before capital "A" the following: "Section 1."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Constitutional Amendment No. 10—Relative to amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employes of the Senate and House, providing for biennial and special sessions of the Legislature.

On motion of Senator Pendleton, passed on file, to retain place.

Assembly Bill No. 205—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

During second reading of bill, the following amendment was offered:
By Senator Sanford:

Amend by inserting before the word "Section," line one, page one, printed bill, the word and figure "Sec. 1."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 576—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 350—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, by constituting the Second Assembly District, in Humboldt County, the ninth district, and the Third Assembly District the forty-seventh district.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 261—An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities.

During second reading of bill, the following amendment was offered:
By Senator Leavitt:

Add to Section 2: "*and provided further*, that nothing herein contained shall prevent manufacturing pharmaceutical firms from placing their products on the market through their agents and managers, subject to the provisions of Section 3 of this Act."

Read second time, and, on motion of Senator Leavitt, passed on file, to retain place and open to amendment.

Assembly Bill No. 293—An Act to amend Section 382 of the Penal Code of the State of California, relating to the adulteration and dilution of articles of food, drink, drugs, medicines, spirituous or malt liquors, or wine, or any article useful in compounding them, and providing punishment for the same.

Read second time, and on motion of Senator Hahn, passed on file, to retain place and open to amendment.

Assembly Bill No. 614—An Act to repeal Chapter I of Title V of Part III of the Political Code and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the government and management of State hospitals for the insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 614 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Diggs, Emmons, Flint, French, Hahn, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Plunkett, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At three o'clock and thirty-five minutes P. M., Hon. J. B. Curtin, State Senator from the Twelfth Senatorial District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Constitutional Amendment No. 11 having been made a special order for this hour, the same was taken up.

SENATE CONSTITUTIONAL AMENDMENT No. 11.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XIII of the State Constitution by adding thereto a new section, to be numbered "one and three quarters," relative to exemption of shipping from taxation.

The Legislature of the State of California, at its regular session commencing on the fifth day of January, 1903, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that Article XIII of the Constitution of the State of California be amended by adding thereto a new section, to be known as "section number one and three quarters," to wit:

Section 1¾. All ships or shipping engaged in either foreign or domestic navigation or in the fisheries, shall be exempt from taxation.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 11 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, French, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—29.

NOES—None.

Constitutional amendment ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Welch asked for and was granted unanimous consent to have Assembly Bill No. 65 taken up for immediate consideration.

Assembly Bill No. 65—An Act to amend Section 685 of the Code of Civil Procedure, relating to executions.

During second reading of bill, the following amendment was offered:
By Senator Welch:

Amend by inserting in line one, page one, printed bill, before the word "Section," the word and figure "Sec. 1."

Amendment adopted.

Bill read second time, ordered to print and third reading.

CONCURRENT RESOLUTION RECALLED FROM ENROLLMENT FOR THE PURPOSE OF CORRECTION.

Senator Woodward moved that Senate Concurrent Resolution No. 12—Approving the charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city, at a general election held therein for the purpose, among other things, of ratifying said charter, on the second day of April, 1902—be recalled from enrollment for the purpose of correction.

Motion carried.

CONSIDERATION OF SENATE BILL No. 786.

Senator Belshaw moved to take up Senate Bill No. 786 for immediate consideration.

The question being on the motion to take up Senate Bill No. 786 for immediate consideration.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—30.

NOES—Senators French and Lukens—2.

Senate Bill No. 786—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF BILLS.

Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

On motion of Senator Shortridge, passed on file, to retain place.

Senate Concurrent Resolution No. 11—Relative to approving the charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose, on the 30th day of August, 1902.

On motion of Senator Byrnes, passed on file, to retain place.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Senate Bill No. 574—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901, adding a new section thereto, to be numbered Section 7, relating to an annual license fee.

HUBBELL, Chairman.

Senate Bill No. 574 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Substitute for Senate Bill No. 11—An Act to amend Section 17 of the Code of Civil Procedure, relating to the definition of certain words.

Senate Concurrent Resolution No. 16—Approving an amendment to the charter of the City of San José, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city, at a special election held therein for that purpose, on the 18th day of February, 1903.

And report that the same have been correctly enrolled, and presented the same to the Governor on this third day of March, 1903, at four o'clock and thirty minutes P. M.

HUBBELL, Chairman.

RESOLUTIONS--(OUT OF ORDER).

The following resolution was offered:

By Senator Tyrrell of San Francisco:

Resolved, That the Controller be and is hereby directed to draw his warrant in favor of Fred M. Smith for the sum of \$213.65, to pay the actual expenses incurred by the committee appointed under the following resolution, adopted by the Senate February 20, 1903:

Resolved, That Senators Leavitt, Smith, Coggins, Muentner, and Tyrrell of San Fran-

cisco be and they are hereby authorized to visit the fish hatcheries at Sisson and to report concerning the necessity for appropriations thereon now before the Senate.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

The following resolution was offered:

By Senator Devlin:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session, without the consent of two thirds of the members thereof, be complied with, and that Senator Devlin be and he is hereby permitted to introduce a bill to be numbered 912.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentz, Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—30.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Devlin: Senate Bill No. 912—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session.

Bill read first time, and ordered on file without reference to committee.

BILL RECALLED FROM COMMITTEE.

Senator Lukens moved that Assembly Bill No. 396—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto a new section, to be designated as Section 779, relative to the election in municipal corporations of the fifth class of a board of fifteen freeholders to frame a charter for the government of any such municipality—be recalled from Committee on Municipal Corporations, and placed on file.

Motion carried.

WITHDRAWAL OF BILL.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Bill No. 573—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto a new section, to be designated as Section 779, relative to the election in municipal corporations of the fifth class of a board of fifteen freeholders to frame a charter for the government of any such municipality.

Senate Bill No. 573 withdrawn, and ordered stricken from the file.

At four o'clock and seven minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Knowland asked for and was granted unanimous consent to withdraw Senate Bill No. 552—An Act to amend Section 1747 of the Code

of Civil Procedure of the State of California, relating to guardians of minors—and substitute therefor on file Senate Bill No. 521.

Senate Bill No. 552 withdrawn and ordered stricken from the file, and Senate Bill No. 521 substituted therefor on file.

Senate Bill No. 521—An Act to amend Sections 4, 5, 8, 9, 10, 11, 12, and 13 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State,'" as amended March 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 521 passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, French, Greenwell, Knowland, Leavitt, Lukens, Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Constitutional Amendment No. 8—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 17 of Article VI thereof, relating to the salaries of Justices of the Supreme Court and Judges of the Superior Court, and the manner of payment thereof.

Constitutional amendment read.

During reading of the constitutional amendment, the following amendment was offered:

By Senator Tyrrell of San Francisco:

Amend by striking out of section seventeen, lines twenty-one to twenty-nine, both inclusive, and in lieu thereof insert the following: "such salaries as may now or hereafter be established by the legislature."

Amendment adopted.

Constitutional amendment ordered to print.

SUBSTITUTION OF BILLS.

Senator Bauer moved that Assembly Bill No. 380—An Act to amend Section 791, relating to notaries public, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872—be substituted on file for Assembly Bill No. 592—An Act to amend Section 800 of the Political Code, relating to the qualifications of notaries public—and Assembly Bill No. 592 be placed at the foot of the file of Assembly bills.

Motion carried.

Senator Caldwell asked for and was granted unanimous consent to have Senate Bill No. 674 taken up for immediate consideration.

Senate Bill No. 674—An Act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie.

During second reading of bill, the following amendments were offered:

By Senator Caldwell:

Amend by striking out of section one, line thirteen, page one, the semicolon after "accrue" and the comma after "provided" so that the line will read as follows: "accrue provided said petition shall not be granted said super."

Amendment adopted.

Also:

Amend by striking out of section one, line thirteen, page one, the word "*provided*," and in lieu thereof insert the following: "*provided*," so that the line will read as follows: "*accrue provided said petition shall not be granted, said super-*"

Amendment adopted.

Also:

Amend by striking out of section four, line seven, page two, the semicolon (;) after the word "*neighborhood*," and in lieu thereof insert a comma (,) so that the line will read as follows: "*the lands of a farming community or neighborhood, or that*"

Amendment adopted.

Also:

Amend by striking out of section four, line ten, page three, the semicolon (;) after the word "*lie*," and in lieu thereof insert a comma (,) so that the line will read as follows: "*or neighborhood in which they lie, then the Supervisors shall.*"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senator Belshaw asked for and was granted unanimous consent to withdraw Senate Bill No. 522—An Act to amend the Penal Code of the State of California by adding one new section to Title X thereof, relative to public nuisance, said section to be numbered 370½—and substitute therefor on file Senate Bill No. 661.

Senate Bill No. 522 withdrawn and ordered stricken from the file, and Senate Bill No. 661 substituted therefor on file.

Senate Bill No. 661—An Act appropriating \$5,000 to erect a warehouse for the storage of jute at the State Prison at San Quentin, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 661 passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muenter, Nelson, Oneal, Pendleton, Plunkett, Sanford, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Devlin asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 15 taken up for immediate consideration.

SENATE CONCURRENT RESOLUTION NO. 15.

Relative to the consent of the Legislature to absence from the State of State Senator C. W. Pendleton for a period not to exceed six months.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California has consented, and does hereby consent, that State Senator C. W. Pendleton, of the Thirty-eighth Senatorial District, may depart from the State of California at any time during the remainder of his official term as State Senator, and remain absent from the State of California for a period not to exceed six months from and immediately succeeding the time of his departure.

Concurrent resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 15 was adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Pendleton,

Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of Nevada, Ward, and Woodward—25.

NOES—Senators Curtin, Flint, Greenwell, Oneal, Tyrrell of San Francisco, Welch, and Williams—7.

Concurrent resolution ordered transmitted to the Assembly.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT AND SUBSTITUTION
OF BILL THEREFOR.

Senator Hubbell asked for and was granted unanimous consent to withdraw Senate Constitutional Amendment No. 5, and substitute therefor on file Assembly Bill No. 43.

Senate Constitutional Amendment No. 5 withdrawn and ordered stricken from file, and Assembly Bill No. 43 substituted therefor on file.

Assembly Bill No. 43—An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 43 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—34.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 886—An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, or upon any chance, casualty, or uncertain or contingent event, and the maintaining of places wherein poolselling or bookmaking is carried on, except when said pools are sold or said bookmaking is carried on within the race-track, enclosure, fair grounds, or buildings wherein such trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, shall be had and occur, and upon the days when such trials or contests actually occur or are had; and to provide a punishment for the violation of this Act—have had the same under consideration, and respectfully report the same back, and recommend that said bill do not pass.

JOHN G. TYRRELL, Chairman.

Senate Bill No. 886 ordered on file.

ON FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on Fruit and Vine Interests, to whom was referred Assembly Bill No. 173—An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

GREENWELL, Chairman.

Assembly Bill No. 173 ordered on file.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 2, 1903.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 27—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI of the Constitution of the State of California, relating to charters.

Also: Assembly Constitutional Amendment No. 14—Relative to proposed amendment to Article II of the Constitution, relative to providing a system of direct legislation by means of the initiative and referendum in counties, cities, and cities and counties.

Also: Senate Constitutional Amendment No. 23—A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California by amending Section 14 of Article XII thereof, relating to corporations.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

Also: Assembly Constitutional Amendment No. 23—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, amending Article XX by adding a new section thereto, to be known as Section 22, relating to monopolies or combinations by individuals, corporations, and associations controlling price or limiting or monopolizing or restricting the number of buyers, dealers, exchangers, sellers, or purchasers.

Also: Assembly Constitutional Amendment No. 22—Proposed amendment to Article XI of the Constitution, relative to the constitution, regulations, government, jurisdiction of police courts, public school system, boards of police commissioners, and justices' courts, and the election or appointment thereof, and the officers, employés, and attachés thereof, and regarding the framing of charters of any consolidated city and county, and city or town charters.

Have had the same under consideration, and respectfully report the same back, and recommend that they be not adopted.

WARD, Chairman.

Assembly Constitutional Amendments Nos. 27, 14, 23, and 22, and Senate Constitutional Amendment No. 23 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 825—An Act to amend Section 1577 of the Political Code of California, relating to the formation of new school districts.

Also: Assembly Bill No. 26—An Act to amend Section 1596 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to elections for school trustees.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 358—An Act to amend Section 1576 of an Act entitled "An Act to establish a Political Code in the State of California, approved March 12, 1872, relating to school districts—have had the same under consideration, and respectfully report the same back without recommendation.

ROWELL, Chairman.

Assembly Bills Nos. 825 and 26, and Senate Bill No. 358 ordered on file.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 511—An Act to provide for locating and surveying a State highway from a point on the Trinity River in Trinity County, near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that the author be allowed to withdraw the same.

LARDNER, Chairman.

Senate Bill No. 511 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 319—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such commission and authorizing the employment of agents, clerks and other employés, and for other purposes connected with the duty of

the commission, and appropriating money for the use and control of said commission, its agents, clerks and employes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DEVLIN, Chairman.

Assembly Bill No. 319 ordered on file.

RECESS.

At four o'clock and forty-five minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called.

CALL OF THE SENATE.

Pending the announcement, Senator Caldwell moved a call of the Senate.
Time, eight o'clock and ten minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors. The doors were closed, and the Secretary was directed to call the roll. The roll was called, and the following answered to their names:

Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Tyrrell of San Francisco, Ward, Williams and Woodward—20.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eight o'clock and twelve minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt. The roll of absentees was called.

Whereupon the President pro tem. announced a quorum present, the following Senators having answered to their names:

Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Tyrrell of San Francisco, Ward, Williams, and Woodward—21.

LEAVES OF ABSENCE.

Senator Sanford was, on motion of Senator Luchsinger, granted leave of absence for the evening.

Senator Greenwell was, on motion of Senator Diggs, granted leave of absence for the evening.

Senator Belshaw was, on motion of Senator Coggins, granted leave of absence for the day.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS.

Senate Bill No. 622—An Act entitled "An Act establishing and declaring the population of the counties of the State of California."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 610—An Act amending Sections 3924 and 3927 of the Political Code of the State of California, relating to the boundary lines between the counties of Placer and El Dorado.

During second reading of bill, the following amendments were submitted by committee:

Insert in line twenty-four, section two, page two of the printed bill, between the words "thence" and "through," the word "east."

Amendment lost.

Also:

Amend by striking out the word "amending," in line one after the title, printed bill, and inserting in lieu thereof the following: "to amend." Also, by striking out the word "section," first line, section two, page three of the printed bill, and inserting in lieu thereof the word "Act."

Amendment adopted.

The following amendment was offered by Senator Lardner:

Amend by striking out all after "El Dorado" in line three, section two, printed bill, from line four to word "thence" in middle of line twenty-six, same section, and inserting as follows: "Beginning on the west corner, at the junction of the north and south forks of the American River; thence up the north fork to the mouth of the middle fork; thence up the middle fork to the mouth of the south fork of the middle fork at Junction Bar; thence up said last-named fork to a point where it is intersected by the south line of Section 13, Tp. 13 N., R. 13 E., M. D. M.; thence east on section line to the S. E. corner of Section 16, Tp. 13 N., R. 14 E.; thence north three miles to the N. W. corner of Section 3, Tp. 13 N., R. 14 E.; thence east on township line three miles to the S. E. corner of Section 36, Tp. 14 N., R. 14 E.; thence north one mile to the N. W. corner of Section 31, Tp. 14 N., R. 15 E.; thence east on section line five miles to the east boundary of Tp. 15; thence north on township line to the northwest corner of Section 30, Tp. 14 N., R. 16 E.; thence east on section line six miles to the S. E. corner of Section 24, Tp. 14 N., R. 16 E.; thence north on township line to the N. W. corner of Section 18, Tp. 14 N., R. 17 E.; thence east on section line to the shore line of Lake Tahoe or Lake Bigler, and thence east to State line."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 555—An Act defining the time within which employes are entitled to payment for work, labor, or personal service rendered to employers, and relating to contracts waiving or extending such time of payment.

During second reading of bill, the following amendments were offered:

By Senator Corlett:

Amend by adding a new section, as follows:

"Sec. 2. Any person, firm or corporation who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor."

Amendment adopted.

Also:

By renumbering Section 2 as Section 3, and Section 3 as Section 4.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 644—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits by insurance companies for the protection of policy holders.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 562—An Act to declare the Associated Press and all other associations, companies, and corporations of a similar nature common carriers, and to provide penalties for discrimination between patrons thereof, or persons desiring to become patrons thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

LEAVE OF ABSENCE.

At eight o'clock and forty minutes P. M. the members of the Committee on Judiciary were granted leave of absence for one hour.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 205—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer, or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 125—An Act to amend Section 337 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by striking out everything following the words "to amend," and substitute in lieu thereof the following: "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as Section 335a, and amending Sections 337 and 339, all relating to the time of commencing actions other than for the recovery of real property."

Amendment adopted.

Also:

Amend section one by striking out all following the word and figure "SECTION 1," and substituting in lieu thereof the following: "A new section is hereby added to the Code of Civil Procedure, to be numbered 335a, and to read as follows:

"Section 335a. Within six years: An action upon any contract, obligation, or liability founded upon an instrument in writing executed in this State."

Amendment adopted.

Also:

"SEC. 2. Section 337 of the Code of Civil Procedure is hereby amended to read as follows:

"Section 337. Within four years: An action upon a contract, obligation, or liability not founded upon an instrument in writing or founded upon an instrument in writing executed out of the State."

Amendment adopted.

Also:

"SEC. 3. Section 339 of the Code of Civil Procedure is hereby amended to read as follows:

"Section 339. Within two years:

"1. An action upon a contract, obligation, or liability not founded upon an instrument of writing or founded upon an instrument of writing executed out of the State;

"2. To an action against a Sheriff, Coroner, or Constable, upon a liability incurred by the doing of an act in his official capacity, and in virtue of his office, or by the commission of an official duty including the non-payment of money collected upon an execution. But this subdivision does not apply to an action for an escape;

"3. An action to recover damages for the death of one caused by the wrongful act or neglect of another."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 45—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 431—An Act to appropriate \$500 to pay the claim of W. C. Van Fleet, for services rendered by him as an attorney-at-law for the State Board of Examiners.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 424—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to the foreclosure and sale of mortgaged lands.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 607—An Act to amend Section 1415 of the Civil Code of the State of California, relating to the appropriation and the notice of appropriation of water.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 348—An Act for the better protection of fruit and berry-growers, and to prevent the fraudulent labeling of fruit and berries.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 648—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense, and providing a mode of condemnation thereof, and for the payment of extra labor employed therein.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 483—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

During second reading of bill, the following amendment was submitted by committee:

Strike out, in line fifty-four, third page, printed bill, the word "unless," and insert in lieu thereof the following: "if within said time the purchaser neglects to apply for and have such deed."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 586—An Act to amend Section 1375 of the Political Code, relating to primary elections.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 523—An Act to amend Section 1095 of the Political Code of the State of California, relating to the registration of voters.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 587—An Act to protect the lives and property of the traveling public and the employés of the railroads in the State of California.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the words "less than five cars," in line four, first page, printed bill, and inserting in lieu thereof the following: "four cars or less."

Amendment adopted.

Also:

Amend by adding in line five, section two, second page, printed bill, after the word "train," the words "consisting of thirty cars or less."

Amendment adopted.

Also:

Amend by striking out the word "through" in line four, section two, printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 397—An Act to appropriate the sum of \$257.05 to pay the claim of Dr. C. H. Blemmer, for money due and owing the said Dr. C. H. Blemmer from the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 438—An Act to amend "An Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March 9, 1887.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 621—An Act making an appropriation to pay the claim of James L. McCarthy against the State of California.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 670—An Act making an appropriation for traveling expenses of the Attorney-General for the remainder of the fifty-fourth fiscal year.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 557—An Act to amend Section 686 of the Penal Code, relating to the rights of defendant in a criminal action.

During second reading of bill, the following amendments were submitted by committee:

Amend the title by inserting in the title between the words "defendant" and "in" the words "and the evidence that may be used."

Amendment adopted.

Also:

Amend by striking out in line twenty-one, section one of printed bill, the words "the deposition or testimony of such witness."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 380—An Act to prevent delay in judicial proceedings.

During second reading of bill, the following amendments were submitted by committee:

Amend the title so as to read: "An Act to amend the Code of Civil Procedure by adding two new sections thereto, to be numbered Sections 466 and 467 respectively, to prevent delay in judicial proceedings."

After the enacting clause add the following:

SECTION 1. The Code of Civil Procedure of the State of California is hereby amended by adding a new section thereto, to be numbered Section 466, and to read as follows:

Section 466. In any action or proceeding now pending or that may hereafter be instituted in any court of this State after expiration of the time allowed by law for pleading or proceeding therein, and expiration of such further time as the court is by law authorized to grant, the time for pleading or proceeding therein shall not be further extended by order of court, consent of parties, or otherwise than by written stipulation signed by the attorneys of all of the parties to such action or proceeding, nor shall the trial or

hearing of any action or proceeding be delayed by order of court or consent of parties otherwise than by written stipulation of the attorneys of all of the parties to said action filed therein; *provided*, that the court may order postponement of any such trial or hearing upon affidavit of merits of the party applying therefor and showing diligence in the preparation for such trial or hearing, and that he can not safely proceed to such trial or hearing without the benefit of material testimony that he has been unable to secure with the use of reasonable diligence.

Amendment adopted.

Also :

SEC. 2. The Code of Civil Procedure is hereby amended by adding a new section thereto to be numbered 467 and to read as follows :

Section 467. Any party to any such action or special proceeding mentioned in Section 1 of this Act shall be entitled to claim the benefit of the limitation of time therein prescribed, to require that the trial or hearing or proceeding shall be forthwith had, to demand of the court entry of default for non-compliance with the requirements therein prescribed, and to have such trial, hearing, order, proceeding, judgment or relief as under the law and the facts he may be entitled to without delay otherwise than as in and by said Section 1 authorized and provided, and the court shall so order and direct.

SEC. 3. This Act shall take effect from and after its passage.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 662—An Act to appropriate \$5,000 to be expended by the Regents of the University of California, through the Departments of Agriculture and Zoölogy, in making experiments leading to the destruction of ground squirrels, gophers, and jack-rabbits or hares.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 680—An Act to amend Section 1577 of the Political Code of California, relating to the formation of new school districts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 671—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by County Boards of Education.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 599—An Act to amend Section 1791 of the Political Code of the State of California, relating to public schools.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 577—An Act to add a new section to the Political Code, to be numbered 1003a, relating to terms of office.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the word "and" in line two, section one of printed bill, and inserting in lieu thereof the words "one thousand and three a to."

Amendment adopted.

Also:

Amend by adding two new sections thereto, as follows:

"Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

"Sec. 3. This Act shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 440—An Act regulating the business of abstracting, searching, and certifying to the public records of the several counties of the State of California.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out in line twelve, section one of printed bill, the words and figures "one hundred and fifty thousand (150,000)" and inserting in lieu thereof the words and figures "one hundred thousand (100,000)."

Amendment adopted.

Also:

By striking out in line fifteen the words and figures "one hundred and twenty-five thousand (125,000)" and inserting in lieu thereof the words and figures "seventy-five thousand (75,000)."

Amendment adopted.

Also:

By striking out in line eighteen the words and figures "one hundred thousand (100,000)" and inserting in lieu thereof the words and figures "fifty thousand (50,000)."

Amendment adopted.

Also:

By striking out in line twenty-one the words and figures "seventy-five thousand (75,000)" and inserting in lieu thereof the words and figures "twenty-five thousand (25,000)."

Amendment adopted.

Also:

By striking out in line twenty-four the words and figures "forty thousand (40,000)" and inserting in lieu thereof the words and figures "twenty thousand (20,000)."

Amendment adopted.

Also:

By striking out in line twenty-seven the words and figures "thirty thousand (30,000)" and inserting in lieu thereof the words and figures "fifteen thousand (15,000)."

Amendment adopted.

Also:

By striking out in line thirty-one the words and figures "fifteen thousand (15,000)" and inserting in lieu thereof the words and figures "ten thousand (10,000)."

Amendment adopted.

Also:

By striking out in lines thirty-five and thirty-six the words and figures "ten thousand (10,000)" and inserting in lieu thereof the words and figures "five thousand (5,000)."

Amendment adopted.

Also:

By striking out in line forty the words and figures "five thousand (5,000)" and inserting in lieu thereof the words and figures "fifteen hundred (1,500)."

Amendment adopted.

Also:

By striking out in lines forty-four and forty-five the words and figures "twenty-five hundred (2500)" and inserting in lieu thereof the words and figures "one thousand (1,000)."

Amendment adopted.

Also:

By striking out in line forty-eight the words and figures "fifteen hundred (1,500)" and inserting in lieu thereof the words and figures "five hundred (500)."

Amendment adopted.

Also:

By striking out in line fifty-one the words and figures "one thousand (1,000)" and inserting in lieu thereof the words and figures "five hundred (500)."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 111—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the word "fifteen," in section one, line one, first page, printed bill, and inserting in lieu thereof the word "ten."

Amendment adopted.

Also:

Amend section four, in line two, page two, by striking out the words "its passage" and inserting in lieu thereof the following: "July 1, 1903," after the word "after."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL OF BILL.

Senator Oneal asked for and was granted unanimous consent to withdraw Senate Bill No. 395—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

Senate Bill No. 395 withdrawn, and ordered stricken from the file.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 394—An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably during the Civil War, at the Woman's Relief Corps Home at Evergreen, Santa Clara County, California.

Bill read second time, considered engrossed, and ordered on file for third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Nelson asked for and was granted unanimous consent to withdraw Senate Bill No. 19—An Act directing the State Board of Harbor Commissioners to construct a certain portion of the harbor embankment, or seawall, of the Port of San Francisco—and substitute therefor on file Senate Bill No. 613.

Senate Bill No. 19 withdrawn and ordered stricken from the file, and Senate Bill No. 613 substituted therefor on file.

Senate Bill No. 613—An Act to appropriate the sum of \$833.82 to pay the claim of Edward Fanning for money due and owing the said Edward Fanning from the State of California.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the figures "833.82" in line one of title, first page, printed bill, and inserting in lieu thereof the following: "432.03."

Amendment adopted.

Also:

Strike out the words "eight hundred and thirty-three and eighty-two one-hundredths" in line three, section one, page one, and insert in lieu thereof "four hundred and thirty-two and three one-hundredths."

Amendment adopted.

Also:

Strike out figures "833.82" in line four, section one, page one, and insert in lieu thereof the following: "432.03."

Amendment adopted.

Also:

Strike out "eight hundred and thirty-three and eighty-two one-hundredths" in lines five and six, section one, page one, and insert in lieu thereof the following: "four hundred and thirty-two and three one-hundredths."

Amendment adopted.

Also:

Strike out figures "833.82," in line six, first page, section one, and insert "432.03."

Amendment adopted.

Also:

Amend by striking out the words "eight hundred and thirty-three and eighty-two one-hundredths," in section two, lines three and four, first page, printed bill, and inserting in lieu thereof the following: "four hundred and thirty-two and three one-hundredths."

Amendment adopted.

Also:

Strike out the figures "833.82," in line four, section two, page one, and insert in lieu thereof "432.03."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Bauer asked for and was granted unanimous consent to withdraw Senate Bill No. 54—An Act to appropriate \$2,519.88 to pay the claim of Mrs. S. L. Bee for interest upon bonds issued by the Treasurer of the State of California, under the provisions of the Act of the Legislature of the State of California, entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians," approved May 3, 1852, represented by coupons 3, 4, and 5 of the following bonds: Bonds for \$1,000 each and numbered, respectively, 63, 64, 65, 66, 67, 77, 85, 94, 95, 101, and 284; bonds for \$500 each and numbered, respectively, 57, 109, 176, and 185; bonds for \$100 each and numbered, respectively, 10, 11, 77, 79, and 105—and substitute therefor on file Senate Bill No. 795.

Senate Bill No. 54 withdrawn, and ordered stricken from the file, and Senate Bill No. 795 substituted therefor on file.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 795—An Act providing that in any city or city and county in this State where, by general law or by charter, the Board of Police Commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated; and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply; and providing further that such Board of Police Commissioners shall not have the power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

During second reading of bill, the following amendments were offered:
By Senator Bauer:

Amend by striking out in line eight, section one, second page, printed bill, "ir" in the word "prescribe" and insert the letters "ri."

Amendment adopted.

Also:

By striking out in page two, section one, line thirteen of printed bill, letters "ir" in the word "prescribe" and insert the letters "ri."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL OF BILL.

Senator Woodward asked for and was granted unanimous consent to withdraw Senate Bill No. 29—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

Senate Bill No. 29 withdrawn, and ordered stricken from the file.

CONSIDERATION OF ASSEMBLY BILL—(OUT OF ORDER).

Senator Woodward asked for and was granted unanimous consent to have Assembly Bill No. 23 taken up for immediate consideration.

Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the word "six," in section six, line one, second page, printed bill, and inserting in lieu thereof the word "five."

Amendment adopted.

Also:

Strike out the word "three," in section six, line one, second page, and insert in lieu thereof the word "two."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 167—An Act to reimburse the Durham Fund for money borrowed from said fund by the Directors of the Deaf, Dumb, and Blind Asylum, and expended in erecting a hospital for the safety and comfort of the pupils of said asylum—and substitute therefor on file Senate Bill No. 558.

Senate Bill No. 167 withdrawn and ordered stricken from the file, and Senate Bill No. 558 substituted therefor on file.

Senate Bill No. 558—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

During second reading of bill, the following amendments were submitted by committee:

Amend section fifteen, line two hundred and eighty-nine, ninth page, printed bill by inserting after the word "dollars," the following: "*provided*, that in townships having a population of fifteen thousand and less than nineteen thousand there shall be but one constable."

Amendment adopted.

Also:

Amend by inserting in section fourteen, page eight, printed bill, after the word "actions," in line two hundred and seventy-two, the following: "*provided*, that in townships containing a population of more than twenty-five thousand there shall be but one justice in and for such townships."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF DAILY FILE—SECOND READING OF BILLS—(RESUMED).

Senate Bill No. 770—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of a seawall and appurtenances in the City and County of San Francisco, to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 645—An Act providing for the labeling and stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or second-hand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed,

and making the violation of any of the provisions of this Act a misdemeanor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 903—An Act regulating the traveling and other expenses of the directors and trustees of State institutions and abolishing all compensation for attendance.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 780—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled "An Act concerning the water front of the City and County of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board, approved March 26, 1895, approved March 23, 1901, conferring further powers on said board of commissioners."

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 601—An Act to amend "An Act to provide for the establishment of cosmopolitan schools in the City and County of San Francisco," approved March 30, 1874, by adding a new section, relating to the election, qualifications, and certificates of special teachers in said schools.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 654—An Act to amend Section 3514 of Article IV of the Political Code, relating to public lands.

During second reading of bill, the following amendment was offered:

By Senator Luchsinger:

Amend section one, line three of printed bill, by inserting between figures "3" and "1," the figure "5."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 790—An Act to amend Section 4 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities, and towns of the State," which Act became a law under the provision of the Constitution, without the Governor's approval, March 7, 1901.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 583—An Act to amend Section 3805a of the Political Code, which amendment relates to the cancellation of assessments on State school lands, certificates of tax sales and tax deeds issued thereon, where a judgment or decree of court foreclosing the certificate of purchase thereon has been given and entered.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 390—An Act to amend Section 1307 of the Civil Code, relating to wills.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 625—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

During second reading of bill, the following amendments were offered :
By Senator Leavitt.

Amend by adding in section two, line one, page one, the words "of State" after the word "Controller."

Amendment adopted.

Also:

Amend by striking out of section three, line one, page one, the word "immediately," and in lieu thereof inserting the following: "July 5, 1904."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 807—An Act to prevent the blacklisting of employes.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 580—An Act to amend Section 1670 of the Political Code, relating to high schools.

During second reading of bill, the following amendment was submitted by committee:

Amend by inserting the following:

Twenty-second—Any school district adjacent to a city or incorporated town maintaining a high school or adjacent to a union or joint union high school district in the same or an adjoining county, may be admitted to said city or incorporated town, union or joint union high school district for school purposes, in the following manner: A petition for annexation signed by a majority of the heads of families of such school district as shown by the last preceding school census, accompanied by a petition signed by a majority of the members composing the high school board of the city, incorporated town, union or joint union high school district to which admission is sought, shall be presented to and filed in the office of the County Superintendent of Schools of the county in which said high school is located.

Within ten days after receiving such petition the said superintendent shall call an election in the school district so petitioning, and in the said city, incorporated town, union or joint union high school district for determining the question, and shall appoint one inspector and two judges of election from the qualified electors of said district to conduct the election therein, and one inspector and two judges of election from the qualified electors in said city, incorporated town, union or joint union high school district to conduct the election therein. Said election shall be held at the public school house in the district petitioning and at the place designated by the county superintendent of schools in the city, incorporated town, union or joint union high school district, and shall be called by posting notices in three of the most public places in the district and three of the most public places in the city, incorporated town, union or joint union high school district, one of which shall be at the public school house in each of said places, at least ten days before said election.

Said election shall be conducted by the officers appointed for that purpose, or in case of their absence, at the opening of the polls, then by others selected by the electors present, in the manner provided by law, for school elections. The ballots at such election shall contain the words "for annexation," and the voters shall write or print after said words on his ballot the word "yes" or the word "no." It shall be the duty of said election officers to canvass the vote at said election and report the result within five days subsequent to the holding of said election, to the said County Superintendent of Schools, who shall file the same in his office. Within ten days after receiving the returns of said election, the said superintendent of schools shall declare the result, by filing a certificate thereof with the clerk of the county, and sending a copy of said certificate to the board of school trustees of the said petitioning district, and a copy thereof to the high school board of the city, incorporated town, union or joint union high school district to which said school district shall have sought annexation.

From and after the expiration of said ten days, if a majority of all the votes cast at said election in the school district so applying and a majority of all the votes cast in the city, incorporated town, union or joint union high school district shall be in favor of annexation, said adjacent school district shall be annexed to said city, incorporated town, union or joint union high school district for high school purposes, and shall be deemed to be a part of said city, incorporated town, union or joint union high school district for such purposes.

The clerk of the school district annexed to a city or an incorporated town shall ex-officio be a member of the high school board of the city or incorporated town to which said district shall be attached, with the same rights and privileges as the other

members of said board, but if such school district be annexed to a union or joint union high school district, then it shall have such representation on the high school board of such high school district as is accorded to the other school districts embraced in such union or joint union high school district.

When any adjacent school district shall have been annexed for high school purposes to any city or incorporated town, as in this subdivision provided, all taxes thereafter levied and collected for the maintenance of such high school in such city or incorporated town, while such school district shall remain a part thereof, shall be levied by the Board of Supervisors of the county in which said city or incorporated town is located, and such taxes so levied shall be computed, entered, levied, and collected as other taxes are computed, entered, levied, and collected, and covered into the treasury of said county and placed to the credit of said high school district. For the guidance of said Board of Supervisors in making said tax levies it shall be the duty of the high school board of such city, incorporated town, union or joint union high school district, on or before the first day of September of each year to furnish said Board of Supervisors an estimate of the amount of money required for conducting such high school for the ensuing year, and said Board of Supervisors shall levy such sum or sums as in their judgment shall be sufficient for the proper maintenance of such high school.

Any school district which shall have been annexed to any high school district in any city, incorporated town, union or joint union high school district, may in like manner withdraw from the same upon petition, election, and certified assent of a majority of the high school board of such city, incorporated town, union or joint union high school district, as in this subdivision provided for the annexation of the same.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senate Bill No. 889—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 788—An Act to amend an Act relating to commitments to the State School at Whittier and to the Preston School of Industry; fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, Police Court Judges and Justices of the Peace, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 653—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 195—An Act to amend the Political Code by adding a new section thereto, to be numbered 3658a, relating to official maps, the making and adoption thereof, and the description of property as delineated thereon for the purpose of assessment and transfer.

Also: Assembly Bill No. 292—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, numbered 710, providing a procedure by which money or credits of a judgment debtor in the hands of a public or municipal corporation, or public officer, may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure.

Also: Senate Bill No. 782—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered Section 1145, relating to the payment of fees to grand jurors.

Also: Senate Bill No. 882—An Act to add a new section to the Political Code of the State of California, to be known as Section 460, relating to the office of the Treasurer of State.

Also: Senate Bill No. 900—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and relating to disclosures confidentially made to the officers of the corporations named in said Act, and authorized to discharge the duties therein provided for.

Also: Senate Bill No. 787—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Also: Assembly Bill No. 613—An Act to add a new section to the Political Code, to be numbered 1003a, relating to vacancies in office.

Also: Senate Bill No. 340—An Act to repeal an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 258, relating to publication of portraits and caricatures," approved February 23, 1899.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 611—An Act to add a new section to the Code of Civil Procedure of the State of California, to be designated as Section 1663½, providing for partial distribution to assignee of heir, devisee, or legatee.

Also: Senate Bill No. 660—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 635—An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxes of this State.

Also: Assembly Bill No. 119—An Act to add a new section to the Civil Code, numbered 634a, relating to the capital stock of land and building corporations, also called building and loan associations, to the impairment of such stock and to the insolvency of such associations.

Also: Assembly Bill No. 120—An Act to add a new section to the Civil Code, numbered 636a, relating to voluntary withdrawals of stock from land and building corporations, also called building and loan associations.

Also: Assembly Bill No. 164—An Act to amend Title XVI of Part IV of Division I of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

Have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 629—An Act to authorize a savings bank to pay out of the funds of a deceased depositor an amount sufficient to effect the interment of the body of said deceased depositor, not exceeding in any case the sum of \$100.

Also: Senate Bill No. 329—An Act to amend Section 3423 of the Civil Code of the State of California, relating to injunctions.

Also: Senate Bill No. 815—An Act to add a new section to the Penal Code, to be known as Section 1132, relating to evidence of larceny, embezzlement, and obtaining money or property by false pretenses.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 469—An Act to repeal an Act entitled "An Act concerning the fees of jurors and witnesses in the City and County of San Francisco," approved February 27, 1866—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to San Francisco Delegation.

LUKENS, Chairman.

Assembly Bills Nos. 195, 292, 613, 119, 120, and 164, and Senate Bills Nos. 782, 882, 900, 660, 629, 329, 815, 340, 611, 635, and 787, ordered on file.

Senate Bill No. 469 re-referred to San Francisco Delegation.

ADJOURNMENT.

At ten o'clock and six minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 4, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Ralston, Rowell, Sanford, Selvage, Shortridge, Ward, Welch, Williams, Wolfe, and Woodward—29.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, March 3, 1903, the further reading was dispensed with, on motion of Senator Corlett.

APPROVAL OF JOURNAL.

The Journal of Friday, February 27, 1903, having been corrected, was read and approved.

LEAVE OF ABSENCE.

Senator Belshaw was, on motion of Senator Flint, granted leave of absence for the day.

INVITATION.

The President announced that he had received the following invitation, which was ordered printed in the Journal:

ST. LOUIS, MISSOURI, February 27, 1903.

To the Honorable President and Members of the Senate, Sacramento, Cal.:

GENTLEMEN: The National Good Roads Association, the Office of Public Road Inquiries U. S. Government, the Louisiana Purchase Exposition Company, the State, county and city officials, and the commercial bodies and railway organizations of the State of Missouri, have the honor to extend to you the official invitation, and we most cordially and earnestly urge you to attend in a body and take part in the deliberations of the National and International Good Roads Convention, to be held in the City of St. Louis, in the State of Missouri, Monday, Tuesday, and Wednesday, April 27, 28, and 29, 1903.

Through the tremendous increase of traffic, and the onward march of time and improvement, it has become a public necessity to lower the cost of primary transportation of all products from the farms to railroads, rivers and harbors. We therefore urge you, the honorable lawmakers of California, to attend this convention, and advise with the legislative bodies of other States in suggesting such plans as will insure progressive "public road improvement" in your State, and in the several States and Territories of the Union.

The several sessions of the National and International Good Roads Convention will be addressed by some of the most distinguished statesmen, railroad officials, and educators of this and foreign countries. The Good Roads Convention and the dedicatory services of the Louisiana Purchase Exposition Company—both events occurring the same week—and the exceedingly low rates granted by all railroads to delegates, the attendance of President Roosevelt and his Cabinet, the oration by ex-President Grover Cleveland, the promised attendance of the Governors of all States with their military

aids, the largest military parade ever witnessed in the Western States, and the assemblage of ministers plenipotentiary and foreign diplomats, mark the occasion as a most important epoch in the Nation's history.

We sincerely trust that you and the honorable Senators of California will accept this invitation.

Cordially submitted,

W. H. MOORE, President.
R. W. RICHARDSON, Secretary.

WASHINGTON, D. C., January 19, 1903.

DEAR SIR: The Office of Public Road Inquiries of the U. S. Department of Agriculture unites with the National Good Roads Association, the Louisiana Purchase Exposition Company, the State and county officials of Missouri, and the officials of the City of St. Louis, together with many commercial bodies and railway organizations, in inviting you to attend the National and International Good Roads Convention to be held in the City of St. Louis the week of April 27 to May 2, 1903. This office is at all times ready to co-operate with other forces that are working for public road improvement, and it therefore gives me pleasure to direct your special attention to this meeting, and to urge that your State be properly represented.

Very truly yours,

MARTIN DODGE, Director.

Honorable President, and Members of the Senate, Sacramento, California:

The National Good Roads Association, the Office of Public Road Inquiries U. S. Government, the Louisiana Purchase Exposition Company, the State, county and city officials, the commercial bodies and railway organizations, respectfully invite you to attend and participate in the proceedings of the National and International Good Roads Convention to be held in the City of St. Louis, State of Missouri, U. S. A., April 27 to May 2, 1903. The chief subject demanding public attention is industrial improvements; the most important of which is "The Betterment of the Common Roads." The deliberation of the convention will comprehend discussion upon scientific methods of common road construction, including plans for providing for their cost and maintenance, together with recommendations for practical public road legislation. The nations of the world are commercially and socially interested in this important question. They will be represented in the convention.

You are urgently requested to attend.

(Signed:) A. M. Dockery, Governor State of Missouri; Martin Dodge, Director Public Road Inquiries, U. S. Gov.; Rolla Welis, Mayor of the City of St. Louis; J. Ramsey, Jr., President Wabash R. R.; Stuyvesant Fish, President Illinois Central R. R.; C. G. Warner, 2nd V.-President Mo. Pac. Ry. System; B. L. Yoakum, President Frisco System; Julius T. Walsh, President Terminal R. R. Assn. of St. Louis; Howard Elliott, 2nd V.-Pres. Burlington Route; Russell Harding, 3rd V.-Pres. and Gen. Mgr. Mo. Pac. Ry. System; W. Henry, V.-Pres. and Gen. Mgr. M. K. & T. Ry. System; H. C. Pierce, Chairman of the Board Mex. Central Ry. Co.; H. B. Spencer, Gen. Mgr. Southern Ry. (St. L.-Louisville Lines); F. H. Britton, V.-Pres. and Gen. Mgr. St. Louis Southwestern Ry.; H. T. Miller, General Manager Vandalia Line; David R. Francis, President Louisiana Purchase Exposition; G. J. Tausey, President Merchants' Exchange of St. Louis; L. D. Kingsland, President St. Louis Manufacturers' Assn.; C. P. Walbridge, President Business Men's League of St. Louis; R. W. Upshard, President St. Louis Cotton Exchange; A. H. Bauer, President St. Louis Stock Exchange; Wm. A. Gualdin, President St. Louis Real Estate Exchange; Geo. B. Leighton, President Civic Improvement League; Geo. T. Parker, President Latin-Am. Club and Foreign Trade Assn.; J. R. Curlee, President Interstate Merchants Assn.; W. J. Gruender, President St. Louis Furniture Board of Trade; Geo. E. Hibbard, President Lumbermen's Exchange of St. Louis; L. Garvey, President Fruit and Produce Exchange; E. L. Galt, President Implement and Vehicle Board of Trade; G. H. Walker, President St. Louis Automobile Club; M. J. Gilbert, Chief Counsel League American Wheelmen; M. E. Ingalls, President C. C. C. & St. L. Ry. Co. (Big Four Route).

W. H. MOORE,
President National Good Roads Association.

Attest: [SEAL]

R. W. RICHARDSON,
Secretary National Good Roads Association.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 90—An Act to appropriate \$2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 91—An Act to appropriate \$590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 588—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Also: Assembly Bill No. 607—An Act to appropriate the sum of \$2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Also: Assembly Bill No. 660—An Act to appropriate the sum of \$550 to pay the claim of M. A. Forster against the State of California upon a judgment recovered in an action entitled "M. A. Forster vs. The State of California," in the Superior Court of the County of Orange.

Also: Assembly Bill No. 473—An Act to appropriate \$355 to pay the claim of James French against the State of California upon a judgment recovered in an action entitled "James French vs. The State of California," which said judgment was rendered December 1, 1902, and recorded on said date in Judgment Book No. 1, at page 570, in the Superior Court of the County of Placer.

Also: Assembly Bill No. 142—An Act making an appropriation to pay the judgment for \$465 obtained in the Superior Court of the State of California in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, vs. The State of California, defendant.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

Assembly Bill No. 90 read first time, and referred to Committee on Finance.

Assembly Bill No. 91 read first time, and referred to Committee on Finance.

Assembly Bill No. 688 read first time, and referred to Committee on Finance.

Assembly Bill No. 607 read first time, and referred to Committee on Finance.

Assembly Bill No. 660 read first time, and referred to Committee on Finance.

Assembly Bill No. 473 read first time, and referred to Committee on Finance.

Assembly Bill No. 142 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 96—An Act to appropriate \$815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of Sacramento.

Also: Assembly Bill No. 95—An Act to appropriate \$490 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 94—An Act to appropriate \$640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Also: Assembly Bill No. 92—An Act to appropriate \$3,835 to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs. The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 93—An Act to appropriate \$4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 84—An Act to appropriate \$49,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action

entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 346—An Act to appropriate \$55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Also: Assembly Bill No. 600—An Act to appropriate the sum of \$400 to pay the claim of John E. Tucker against the State of California upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

CLIO LLOYD, Chief Clerk.
By F. W. HEATHERLY, Assistant.

Assembly Bill No. 96 read first time, and referred to Committee on Finance.

Assembly Bill No. 95 read first time, and referred to Committee on Finance.

Assembly Bill No. 94 read first time, and referred to Committee on Finance.

Assembly Bill No. 92 read first time, and referred to Committee on Finance.

Assembly Bill No. 93 read first time, and referred to Committee on Finance.

Assembly Bill No. 84 read first time, and referred to Committee on Finance.

Assembly Bill No. 346 read first time, and referred to Committee on Finance.

Assembly Bill No. 600 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 601—An Act to appropriate the sum of \$185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California, numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

Also: Assembly Bill No. 770—An Act authorizing the payment of a judgment in favor of Maggie L. Boyd, as administratrix of the estate of John D. Boyd, deceased, heretofore recovered against the State of California in the Superior Court of the State of California in and for the County of Fresno, on the sixth day of January, 1903, and making an appropriation therefor.

Also: Assembly Bill No. 872—An Act to appropriate the sum of \$140 to pay the claim of R. P. Marquez for money due and owing the said R. P. Marquez, based upon a judgment recovered by the said R. P. Marquez against the State of California, in the Superior Court of Orange County, California, on the 21st day of April, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Also: Assembly Bill No. 597—An Act making an appropriation to pay a judgment for the sum of \$3,840 rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, vs. State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at pages 28 and 29.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

Assembly Bill No. 601 read first time, and referred to Committee on Finance.

Assembly Bill No. 770 read first time, and referred to Committee on Finance.

Assembly Bill No. 872 read first time, and referred to Committee on Finance.

Assembly Bill No. 597 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Joint Resolution No. 13—Relative to admission of Chinese into the Philippines.

Also: Passed Assembly Bill No. 397—An Act to allow the people of the State of California by ballot to instruct the Senators and members of the Assembly of the Legislature of the State of California as to the election of Senators to the Congress of the United States.

Also: Assembly Bill No. 635—An Act to amend Sections 269, 273, and 274 of the Code of Civil Procedure, relating to phonographic reporters.

CLIO LLOYD, Chief Clerk.

By T. W. HEATHERLY, Assistant.

Assembly Joint Resolution No. 13 referred to Committee on Federal Relations.

Assembly Bill No. 397 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 635 read first time, and referred to Committee on Judiciary.

SECOND READING OF BILLS—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to have Senate Bills Nos. 598, 619, and 31 taken up for immediate consideration.

Senate Bill No. 598—An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 619—An Act regulating the quality of illuminating gas manufactured and sold by any corporation or person, and fixing a forfeiture for failure to comply with the provisions of this Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 31—An Act to add a new section to the Political Code of the State of California, to be numbered 3575, providing for the withdrawal from redemption from tax sales, and from entry and sale, and for the reservation of public lands, lands deeded to the State for the non-payment of taxes, and other lands owned by the State, that are suitable for forestry purposes, and providing for reports by Tax Collectors and the Surveyor-General in relation thereto, and for proclamation of the Governor withdrawing and reserving such lands.

During second reading of bill, the following amendment was offered:
By Senator Wolfe:

Amend by inserting after the title of the Act the following:

"The people of the State of California, represented in Senate and Assembly, do enact as follows:"

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

BILLS RECALLED FROM COMMITTEE AND PLACED ON FILE.

Senator Knowland moved that Assembly Bill No. 758—An Act to amend Section 1747 of the Code of Civil Procedure of the State of Cali-

fornia, relating to guardians of minors—be recalled from Committee on Judiciary, and placed on file.

Motion carried.

Senator Ralston moved that Assembly Bill No. 688—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps—be recalled from Committee on Judiciary, and placed on file.

Motion carried.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Lukens asked for and was granted unanimous consent to have Senate Bill No. 578 taken up for immediate consideration.

Senate Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to counties of the third class.

During second reading of bill, the following amendment was offered:
By Senator Lukens:

Amend the title by inserting between the words "relating to" and "counties of" the words "salaries of officers of."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the sum of \$15.00 be and the same is hereby allowed J. Louis Martin, Sergeant-at-Arms of the Senate, for expenses incurred during the organization of the Senate. The Controller of State is hereby authorized to draw his warrant for the amount herein named, and the Treasurer is directed to pay the same.

Also:

Resolved, That the Controller be and he is hereby directed to draw his warrant in favor of Louis Levy for the sum of \$76, payable out of the Contingent Fund of the Senate, for services rendered as stenographer to the Committee on Prisons and Reformatories during the investigation by that body of the Folsom State Prison.

Also:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby directed to purchase nineteen copies of Fairall's Criminal Law and Procedure, and Penal Code for the use of the Judiciary Committee, the same to be paid for out of the Contingent Fund of the Senate.

Also:

Resolved, That the Secretary of the Senate be and is empowered to appoint an additional assistant, with the same per diem as other Assistant Secretaries, for the remainder of this session.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

FLINT, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Selvage, Smith, Ward, Welch, Williams, Wolfe, and Woodward—26.

NOES—None.

ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Assembly Bill No. 731—An Act to provide for the improvement of the public highways—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

LARDNER, Chairman.

Assembly Bill No. 731 ordered on file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 447—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be designated as 177½, relating to the appointment of a deputy by the Treasurers of counties of the twentieth class, and to the amount and payment of the salary of such deputy.

Also: Senate Bill No. 514—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 36 thereof, relating to the powers and duties of Boards of Supervisors.

Also: Senate Bill No. 590—An Act to amend Section 177 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and to repeal Section 24 of an Act entitled "An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending certain sections thereof, repealing certain other sections and adding certain sections thereto," approved March 23, 1901, relating to counties of the twentieth class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Senate Bill No. 56—An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees in their respective counties, cities and towns, and to impose a license tax.

Also: Assembly Bill No. 915—An Act to re-enact Sections 10 and 157 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended in 1901, relating to the population of the various counties of the State of California, and classifying such counties for the purpose of regulating the compensation of all officers therein.

Have had the same under consideration, and respectfully report the same back with-out recommendation.

WOODWARD, Chairman.

Senate Bills Nos. 447, 514, 590, and 56, and Assembly Bill No. 915, ordered on file.

REPORT OF SPECIAL COMMITTEE.

The following report of the special committee to investigate the State Board of Pilot Commissioners was received, and ordered printed in the Journal:

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

To the President and Members of the Senate:

Your Committee on Commerce and Navigation, to which was added specially for the investigation Senator E. J. Emmons, beg leave to report as follows:

That the said committee went to San Francisco, and there on Saturday, February 14, 1903, in the chambers of the Police Commissioners of San Francisco, proceeded to take testimony relative to the charges embraced in the San Francisco Call's publication, and the resolutions under which your committee was authorized to act, and we find the following facts:

In regard to Pilot Commissioner Alexander, he testified before your committee that he received the sum of \$4,250 for and in consideration of appointing a pilot, the said appointment being within the power of the commission, and, as testified to by Captain Hall, being within the particular power of Commissioner Alexander. The said sum of \$4,250 was paid in cash by Captain Eschen, and the said Captain Eschen testified that when he received that sum of money he was instructed to pay it to Commissioner Alexander for the appointment of Pilot Tyson. This we find to be corroborated by Captain Eschen, and to the committee seems conclusive of the fact that Commissioner Alexander did receive the sum of \$4,250 for the purpose and in consideration of appointing a pilot. The testimony of Captain Eschen, and Commissioner Alexander, and others, shows that after the sum of \$4,250 was paid, the appointment of Mitchell Tyson was made.

In regard to Commissioner Pratt, Captain Hall testifies that he was acquainted with Commissioner Pratt, and that about three years ago he had a conversation with the said commissioner, the said Captain Hall attempting to secure a position as pilot through the influence of Commissioner Pratt. Captain Hall stated that in that conversation Commissioner Pratt told him that it would be necessary for him (Captain Hall) to pay the sum of \$3,000 for the position. Captain Hall further testified that the money was ready to be put up at the request of Commissioner Pratt. That Captain Hall was to get the position held theretofore by Captain Haskell. That Captain Hall went away to Coos Bay, and that in pursuance of the contract made with Commissioner Pratt, a telegram was sent him (Captain Hall) to come back to San Francisco, and everything would be all right on Monday. That Captain Hall got back on Friday before the Monday named in the telegram, and saw Commissioner Pratt, and Commissioner Pratt said it was all off.

That Commissioner Pratt stated to Captain Hall that it was Commissioner Alexander's appointment, and Commissioner Pratt further stated that \$5,000 had been offered to Commissioner Alexander for the appointment, and therefore he (Captain Hall's bid) "had been raised out of sight." The testimony further shows that Captain Hall never did receive the appointment as pilot, although fully qualified for the position.

Mr. Thomas Kirkpatrick testified that he was well acquainted with Commissioner Pratt, and that he had had a conversation with Commissioner Pratt about the time the first pilot was to be appointed under Commissioner Pratt's administration. This was within the last four years. Mr. Kirkpatrick went to Commissioner Pratt, and spoke to him in reference to the appointment of Sloane, and asked Commissioner Pratt the following question: "Now, what is it you want me to do in the way of getting my friend in as a pilot?" The answer, according to Mr. Kirkpatrick, was that it would be necessary to get up a nice petition. Mr. Kirkpatrick, further continuing his testimony, said that he (Kirkpatrick) went over the town, and worked for three days on the petition, and got up, as he stated, a very nice one. Mr. Kirkpatrick further stated that he presented the petition to Commissioner Pratt, and Commissioner Pratt "asked me who my candidate was." Mr. Kirkpatrick informed Commissioner Pratt as to who the candidate was, and the commissioner stated it would be well to bring the candidate around, and introduce him to the Pilot Commissioners. Mr. Kirkpatrick followed out the suggestion, and introduced Captain Sloane to Commissioner Pratt and Commissioner Alexander, and they had a talk in regard to the appointment.

Mr. Kirkpatrick's testimony further shows that about one day before the Pilot Commissioners were to meet and appoint a pilot, Commissioner Pratt came into the store of Mr. Kirkpatrick and called Mr. Kirkpatrick upstairs, and Commissioner Pratt said, "Well, we will have our meeting to-morrow," and in answer Mr. Kirkpatrick said, "Now, you understand the situation; you have got that petition; you have seen the captain—Captain Sloane. Now, is everything going to be all right?" Commissioner Pratt replied, "No, it will require a little money." Kirkpatrick said, "The man has no money," and Commissioner Pratt said, "Well, I cannot help it." Commissioner Pratt further stated to Mr. Kirkpatrick that \$3,000 would be required. The testimony of Kirkpatrick then shows that he made arrangements to borrow this amount of money, and went to Dan T. Cole, the Coiner of the Mint, and stated to Mr. Cole the reasons for his request and the contract he had made with Commissioner Pratt. Mr. Kirkpatrick further testified that, "At the time that I made this agreement with Commissioner Pratt in regard to the appointment of my friend, Captain Sloane, and was informed by him that it would take \$3,000, I knew my friend did not have the money, and I went to Dan T. Cole and told him about the matter, and made arrangements with Mr. Cole to get the money." Mr. Cole, in relation to this matter, states that Mr. Kirkpatrick did come to him at the time named, and, to use the language of Mr. Cole, "Made arrangements with me to borrow the money. From the conversation of Kirkpatrick at that time, I understood the money was to pay Commissioner Pratt to secure the appointment of Captain Sloane as a pilot. Shortly after that Mr. Kirkpatrick told me the deal was off."

In regard to Commissioner Pratt, Captain Bennett was sworn. He said that he was a member of the firm of Goodall, Bennett & Co. He also stated he was acquainted with Commissioner Pratt, and had been for a long time; that he (Bennett) had had a conversation with Commissioner Pratt in regard to appointing a friend as a pilot. This was shortly after Commissioner Pratt was appointed Pilot Commissioner. Captain Bennett further states that he told Commissioner Pratt that he had a friend named Captain Kidston, whom he desired to have appointed as a pilot, should a vacancy occur. Captain Bennett further testified he met Commissioner Pratt, and that Commissioner Pratt told him there was to be a vacancy, and wanted to know if Captain Kidston was in town, and, to use the language of Captain Bennett, "If I (Captain Bennett) thought he (Captain Kidston) would accept the position. I told him, yes, I thought so; he was still in town, and he talked about that he had gone to some expense; certain assessments had been levied." And Captain Bennett further testified that finally he put to Commissioner Pratt the straight question whether it was a matter of dollars and cents, and what his (Commissioner Pratt's) price was.

Commissioner Pratt replied: "The tariff is \$3,500." Captain Bennett testified that he told Commissioner Pratt that he had no authority to pay out any money from Captain Kidston, that he (Captain Bennett) would see him and talk the matter over and report to him the next day. That Captain Bennett then waited on Kidston, and did talk the matter over, and that Kidston told Captain Bennett he would pay that amount. Captain Bennett, further testifying, said that on the following day he met Commissioner Pratt,

and told Commissioner Pratt that Captain Kidston had made arrangements whereby the money would be paid to any one that Commissioner Pratt would designate, as long as the custodian was satisfactory and responsible, and that Commissioner Pratt replied to Captain Bennett that \$3,500 was not enough. Commissioner Pratt then said that there was another candidate for the place who had offered \$5,000. Then Captain Bennett stated that he told Commissioner Pratt that as far as he (Captain Bennett) was concerned, he would have nothing more to do with him or his pilot; as a ship owner and a man interested in ships, he thought it was not conducive to good service to have the commissioners auction off the positions of pilots, and Captain Bennett further stated he so reported to Captain Kidston. Captain Bennett, to use his own language, said: "I was a little short in my ante."

Captain Bennett, further testifying, stated that he owned several ships, and that recently it was known among ship owners that it was necessary to trust their vessels to pilots who had obtained their positions by purchase. The ship owners, Captain Bennett stated, did not and do not approve of that practice, quoting Captain Bennett as follows: "Recently I had a conversation with Governor Pardee, and at his request, after I had made the statement to him, he requested me to put it in writing. I did put it in writing, and I sent it to the Governor." Captain Bennett stated: "The man that I vouched for for the position of pilot was a competent man. Commissioner Pratt thought so himself, and acknowledged so to me." The testimony of Captain Bennett further shows that Commissioner Pratt did not tell Captain Bennett whom the money was for. He simply said he would get the place for that amount, and that the tariff for the position was \$3,500.

This testimony shows in regard to Commissioner Pratt that he did offer to sell places as pilot by and through the office of Pilot Commissioner that he then held.

In regard to the testimony implicating Dan O'Callaghan, your committee finds that at no time or place did the said Dan O'Callaghan have any knowledge of any monetary offer being made for the purpose of obtaining a position as pilot for Captain Hall; that the evidence shows beyond a doubt that Mr. Dan O'Callaghan is a business man of high repute in the City and County of San Francisco, and his honesty and integrity have never been questioned, and are not now questioned by this committee. On the contrary, he is exonerated from all and any complicity in the matter of offering money for positions under the Pilot Commissioners.

In regard to Mr. E. C. Conroy, he was accidentally brought into this matter by reason of being the secretary of the Pilot Commission. As a matter of necessity he was examined before your committee, and told the facts as he knew them. From the testimony of Mr. E. C. Conroy, as well as of others, it shows to your committee conclusively that he had nothing to do in any manner with the barter, or sale, or appointment of pilots; that he merely recorded the proceedings of the Pilot Commissioners, and those proceedings did not disclose any knowledge on his part of any of the facts charged upon which this investigation is based. Therefore, we recommend that Mr. E. C. Conroy be completely exonerated of complicity in any manner or knowledge of any of the facts charged in the Call or resolution.

Your committee, after having heard further testimony, inquired into the matter of rebate paid to the tug-boat companies, and to that end had the secretaries of the two companies, who do the tug-boat business in San Francisco in the matter of outward-bound ships, subpoenaed.

Mr. Samuels, being sworn, testified that he was the acting secretary of the John D. Spreckels & Bros. Company, and that the tug-boat business was a part of the business of the John D. Spreckels & Bros. Company. He produced before the committee receipts showing that all rebates paid to the tug-boats that he represented, had been repaid to the ship owners of the ships upon which the pilot dues had been levied and collected by the pilots.

This testimony applies to both the John D. Spreckels & Bros. Company and the so-called Merchants' Tug-Boat Company.

The testimony further showed conclusively to the committee that these companies were organized for the express purpose of relieving the shipping and commerce of San Francisco from the then oppressive pilot fees that were charged. The members of both these companies are interested in the ships, and therefore, as a means of relief, they organized these two respective companies. We find that the rebate has been actually and honestly paid to the owners of the ships, and that the effect of the action of the two companies—the John D. Spreckels & Bros. Company and the Merchants' Tug-Boat Company—has been to relieve the shipping interests of San Francisco to the extent of about 25% of the charge permitted and actually collected by the pilots. We find that these two companies have actually been a benefit to the State, and an absolute correction of some of the excessive charges by the pilots.

In regard to Commissioner Leale, your committee finds as follows: That Commissioner Alexander testified that the money he received from Captain Eschen he divided with Commissioner Pratt and Commissioner Leale. We further find that the testimony shows that both Commissioners Pratt and Leale deny this division.

We further find that Captain Leale has been by W. A. Bissell, Assistant Traffic Manager of the Atchison, Topeka and Santa Fe Railway system, declared to have the very best reputation in regard to integrity and reliability in every way. This was contained in a letter signed by W. A. Bissell, and introduced in evidence.

Further, we find that William Sproule of the Steamship Company also testifies, in the form of a letter, to the reputation Captain Leale has for veracity. Also, by Mr. D.

D. Stubbs, Secretary of the Occidental and Oriental Steamship Company, who states that he would be glad to appear and testify on behalf of Captain Leale, and states he always found him fair and honorable, and his word beyond question.

From A. A. Pryor, Manager of the Piper-Aden-Goodall Company, we have the following language in regard to Captain Leale, quoting: "I regret exceedingly that sickness in my family prevents my personal appearance before your honorable committee that I might amplify what I have expressed herein as to the high estimate in which he (Captain Leale) is held on the water front of San Francisco. I have found him invariably acting in a strictly honorable and upright manner, and have formed the highest opinion of his integrity and sterling honesty of dealing."

From John Connor, Supervisor of the City and County of San Francisco, we have the following: "I have known Captain W. G. Leale for nearly thirty years, and know his reputation for truth and veracity to be above reproach. No honester or more honorable man ever sailed a boat, and his genial disposition endears him to all with whom he comes in contact."

Mr. Dwight Hollister testifies that he has resided in Sacramento County since 1850; that "I have known Captain W. G. Leale for over thirty years in his business on the river and at my home. I have known him among his friends and neighbors, and know the general reputation that he has borne for truth, honesty and integrity during all that time, and it was unimpeachable."

The testimony of P. J. Harney shows that he was Assistant Adjutant-General of the State of California, Assistant Cashier of the United States Treasury, Wharfinger under the Harbor Commissioners, Port Warden, and finally, member of the State Harbor Commissioners; that he has known Captain William G. Leale for twenty years as Pilot Commissioner and in the steamboat business; that he was well acquainted during that time with the friends and neighbors of Captain Leale, and was in a position to see him very often; that during that time his reputation was and is now beyond question for truth, honesty and integrity.

Mr. Gratto also was sworn, and he testified that he had resided in San Francisco for thirty-four years, and by occupation was a member of the firm of Gratto & Remis, shipwrights and builders. During that time he has known Captain Leale about twenty years, and had business relations with him many times. "During that time I have been acquainted with his friends and neighbors all around the city front; I have been around the city front the best part of my life. I know the reputation that Captain Leale has had, and now has, on the city front of San Francisco for truth, honesty and integrity. I never heard it questioned by any one during the twenty years of my acquaintance."

Captain Bennett was recalled in relation to the appointment of a pilot, in which he had reference to some conversation with Commissioner Pratt, and Captain Bennett stated that during all the negotiations that were carried on for the appointment of his friend at that time, he did not approach Captain Leale or have Captain Leale say anything to him in reference to any money being given for the position. He did not suggest or hint that money could be used in any way, shape or form. "The Captain told me that it was not his appointment, but that it belonged to Commissioner Pratt. I have known and done considerable business with Commissioner Leale. His reputation for truth, honesty and integrity in the community among the people who have had business dealings with him on the water front is the very best as far as I heard."

Miss Lovdal was called as a witness. She testified that she is now twenty years old. That she remembers a large sum of money about four years ago being on the desk in the private office of Mr. Alexander. "Seated at my desk one day in the office, Captains Leale and Pratt came into the room, where I was called in by Captain Alexander, and I was asked to change some money. There was some money on the desk. There was also paper with figures on it, and Mr. Alexander handed me some money, and asked me to get him some change. I brought back the change, and he said, 'Now, get Captain Leale a sack.' I gave him a sack, and he said, 'Hand it to Captain Leale,' and I handed it to him, and retired to resume my work in the office. I do not know whose money it was. I only got a sack for Captain Leale; I did not for Pratt or Alexander. I have gone out a great many times since and gotten change when it was necessary in the office." The witness could not remember whether it was during the month of March, April, May, June, July or August. "Very often I needed some silver, and I would take \$20 or \$5, as the case might be, and go down stairs and get change, and give it to Mr. Alexander in the private office."

Captain Leale, being recalled, testified: "I heard the testimony in regard to a coin sack being brought in by Miss Lovdal, but I do not remember the incident. If I had had that happen I would have remembered it. I did not during that time that the witness narrated, receive any money or make any figures, or see any figures made in my presence relative to the division of money between Captain Pratt, Alexander and myself. I did not take any money out of Captain Alexander's office during the months that have been named. I had no occasion to have any money dealings with him."

We further find that the principal testimony against Captain Leale is that of Alexander, who testified when he first went on the stand that he took this money as a charity fund, and kept it some time, and then divided it as a charity fund with the

other commissioners. Upon being recalled to the stand, he changed his testimony and swore that he took it for the appointment of a pilot, and then divided with the other commissioners.

SUMMARY.

Your committee exonerates O'Callaghan and Conroy.

1. Your committee exonerates Dan O'Callaghan absolutely from any complicity in any corrupt knowledge or dealings with the Pilot Commission in reference to any appointment.

2. Your committee exonerates E. C. Conroy from any knowledge or dealing with the Pilot Commissioners, or otherwise, in any of the corrupt transactions that have been brought to the attention of the committee, and assert that he is absolutely guiltless of all knowledge of the same.

3. Your committee also finds that the John D. Spreckels & Bros. Tug-Boat Company, with the Merchants' Tug-Boat Company, have been the means of partially relieving the commerce of the State of California from the oppressive burden of an excessive charge for pilotage, and that your committee feels that it would be derelict in its duty if it did not commend these two tug-boat companies for their action. We find that all moneys collected by them from the Pilot Association has been promptly paid to the owners of the ships from which it was collected, in order that the Port of San Francisco might be relieved, in the opinion of those owning foreign ships, from the criticism of unduly adding to the impost on commerce already over heavily burdened.

4. The committee now concludes its report by pointing out the fact that Commissioner Alexander, by his own confession, stands convicted of accepting a bribe.

5. That Commissioner Pratt, by the testimony of Captain Hall, Captain Bennett, Mr. Thomas Kirkpatrick, and Mr. Dan T. Cole, stands convicted of the charge of frequently attempting to sell the appointment of a pilot under the commission.

6. None of these witnesses testified in any way against Captain Leale, that he offered to sell or to barter the position of pilot, and the only testimony connecting Captain Leale with the corrupt transactions of the commissioners was that of Commissioner Alexander—a self-confessed bribe-taker—and Miss Lovdal, the private clerk and stenographer in the office of Commissioner Alexander.

R. J. WELCH.
E. J. EMMONS.
J. R. KNOWLAND.
HARRY BUNKERS.
J. M. PLUNKETT.
M. L. WARD.
FRANK FRENCH.
G. H. WILLIAMS.
CHAS. M. SHORTRIDGE.
JAMES D. BYRNES.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Ward asked for and was granted unanimous consent to withdraw Senate Bill No. 127—An Act making an appropriation to pay a judgment for the sum of \$5,880 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant," numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392—and substitute therefor on file Assembly Bill No. 3.

Senate Bill No. 127 withdrawn and ordered stricken from the file, and Assembly Bill No. 3 substituted therefor on file.

Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of \$5,880, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Read second time.

Also: To withdraw Senate Bill No. 128—An Act making an appropriation to pay a judgment for the sum of \$8,655 rendered in and by

the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "W. R. Guy, plaintiff, versus The State of California, defendant," numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393, and to substitute therefor on file Assembly Bill No. 4.

Senate Bill No. 128 withdrawn and ordered stricken from the file, and Assembly Bill No. 4 substituted therefor on file.

Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of \$8,655, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Read second time.

Also: To withdraw Senate Bill No. 130—An Act making an appropriation to pay a judgment for the sum of \$3,195 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "M. D. Corey, plaintiff, versus The State of California, defendant," numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221—and to substitute therefor on file Assembly Bill No. 5.

Senate Bill No. 130 withdrawn and ordered stricken from the file, and Assembly Bill No. 5 substituted therefor on file.

Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of \$3,195 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "M. D. Corey, plaintiff, vs. The State of California, defendant," numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Read second time.

Also: To withdraw Senate Bill No. 295—An Act making an appropriation to pay a judgment for the sum of \$1,320 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "Bank of Commerce, a corporation, plaintiff, vs. The People of the State of California, defendant," numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, at page 391—and to substitute therefor on file Assembly Bill No. 469.

Senate Bill No. 295 withdrawn and ordered stricken from the file, and Assembly Bill No. 469 substituted therefor on file.

Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of \$1,320, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Bank of Commerce, a corporation, plaintiff, versus The People of the State of California, defendant, numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, at page 391.

Read second time.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the special file of Code Revision bills having been made a special order for this hour, the same was taken up.

Senate Bill No. 692—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution.

Read third time.

Senator Selvage moved to refer to Senator Lardner, as a special committee of one, to amend as follows:

Amend by striking out of section one, line four, the words "other than the franchise of being a corporation."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 692, with instructions to amend, respectfully reports the same back, amended as per instructions.

LARDNER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 708—An Act to add a new section to the Civil Code, to be numbered 580, relating to statements to be made and notices to be given depositors of money.

Read third time.

Senator Selvage moved to refer to Senator Lardner, as a special committee of one, to amend as follows:

Amend by striking out of section one, line twenty-two, the word "and" and inserting the word "or."

Also: Amend as follows: Add a new section thereto to read as follows:

"SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 708, with instructions to amend, respectfully reports the same back, amended as per instructions.

LARDNER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 226—An Act to amend Sections 367, 375, 376, 377, 386, 387, 388, and 389 of the Code of Civil Procedure, and to repeal Section 390, all relating to parties to civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 226 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Ralston, Rowell, Savage, Selvage, Shortridge, Williams, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 282—An Act to amend Sections 581 and 585 of the Code of Civil Procedure, and to add two new sections thereto, to be numbered 582 and 583, all relating to judgments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 282 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Diggs, Flint, French, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Welch, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 283—An Act to amend Section 631 of the Code of Civil Procedure, relating to the waiver of trial by jury.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 283 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Diggs, Flint, French, Lardner, Leavitt, Luchsinger, Lukens, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 284—An Act to amend Sections 602, 608, 612, and 615 of the Code of Civil Procedure, all relating to jury trials.

Read third time.

Question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Ralston moved a call of the Senate.

Motion carried.

Time, ten o'clock and forty-five minutes A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Ward, Welch, Williams, Wolfe, and Woodward—31.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and fifty minutes A. M., Senator Byrnes was brought before the bar of the Senate, and, on motion of Senator Ralston, was excused for being absent from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and fifty-five minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Selvage.

The roll of absentees was called.

Whereupon the President pro tem. announced that Senate Bill No. 284 was passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Williams, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 285—An Act to amend Section 731 of the Code of Civil Procedure, relating to nuisances.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 285 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Devlin, Diggs, French, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 286—An Act to amend Sections 728 and 729 of the Code of Civil Procedure, both relating to sales in actions to foreclose mortgages.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 286 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Lardner, Leavitt, Luchsinger, Lukens, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Welch, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 287—An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 287 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hahn, Lardner, Leavitt, Luchsinger, Muentner, Plunkett, Ralston, Rowell, Savage, Selvage, Ward, Welch, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 288—An Act to amend Section 700 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 700a, both relating to execution sales.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 288 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 408—An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 408 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Leavitt, Luchsinger, Lukens, Plunkett, Ralston, Rowell, Savage, Selvage, Ward, Welch, Williams, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 409—An Act to amend Section 408 of the Code of Civil Procedure, relating to the summons in civil cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 409 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Lardner, Leavitt, Luchsinger, Muentner, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Ward, Williams, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 410—An Act to amend Section 409 of the Code of Civil Procedure, relating to notice of the pendency of civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 410 passed by the following vote:

AYES—Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Lardner, Luchsinger, Lukens, Muentner, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Ward, Williams, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 411—An Act to amend Sections 410, 412, 413, and 415 of the Code of Civil Procedure, all relating to the service of summons in civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 411 passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hahn, Lardner, Leavitt, Luchsinger, Muentner, Pendleton, Plunkett, Ralston, Rowell, Selvage, Ward, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 412—An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, 469, 472, and 476, and to repeal Section 432 of the Code of Civil Procedure, all relating to pleadings in civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 412 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Selvage, Ward, Williams, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 413—An Act to add two new sections to the Code of Civil Procedure, relating to actions for libel and slander, to be numbered 417 and 418.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 413 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Muenster, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 414—An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 414 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 415—An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 415 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Hahn, Lardner, Leavitt, Luchsinger, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 416—An Act to amend Sections 538, 539, 542, 553, 554, 555, and 558 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 416 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 417—An Act to amend Sections 566, 567, and 569 of the Code of Civil Procedure, all relating to receivers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 417 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Hahn, Lardner, Leavitt, Lukens, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 418—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposits in court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 418 passed by the following vote:

AYES—Senator Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, and Williams—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 432—An Act to amend Sections 738 and 740 of the Code of Civil Procedure, both relating to actions to determine conflicting claims to real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 432 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Lardner, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—26.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 433—An Act to repeal Chapters I, II, and III of Title XIII of Part II of the Code of Civil Procedure, and each and every section of said Chapters I, II, and III, and to substitute new Chapters I, II, and III to take the place thereof in said code, relating to appeals in civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 433 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 434—An Act to amend Sections 832, 836, 845, 848, 849, 855, 859, 866, 867, 887, 892, 893, 895, 905, and 906, and to repeal Section 837 of the Code of Civil Procedure, all relating to civil actions in justices' courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 434 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Flint,

French, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Ward, Williams, and Woodward—25.
Nays—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 435—An Act to amend Section 803 of the Code of Civil Procedure, relating to actions for the usurpation of an office or franchise.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 435 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—29.
Nays—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 436—An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 436 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Devlin, Diggs, French, Hahn, Hubbell, Lardner, Leavitt, Lukens, Muentner, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—28.
Nays—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 448—An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 448 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Ward, Williams, and Woodward—28.
Nays—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 449—An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 449 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hahn, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, and Williams—26.
Nays—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 450—An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 450 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 451—An Act to add a new section to the Code of Civil Procedure, to be numbered 1008, relating to orders.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 451 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, French, Hahn, Lardner, Leavitt, Luchsinger, Oneal, Pendleton, Ralston, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 452—An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 452 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 453—An Act to amend Section 1054 of the Code of Civil Procedure, relating to extensions of time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 453 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 454—An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 454 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs,

French, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Shortridge, Ward, Welch, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock and ten minutes A. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

Senate Bill No. 455—An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 455 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hahn, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 456—An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 456 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 457—An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 457 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Flint, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 458—An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 458 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 459—An Act to add a new section to the Code of Civil Procedure, to be numbered 1110a, requiring notice to be given to the real parties in interest in certain proceedings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 459 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Corlett, Diggs, French, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 460—An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1124, all relating to the contesting of elections.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 460 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Flint, French, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Pendleton, Ralston, Selvage, Shortridge, Tyrrell of San Francisco, Williams, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 461—An Act to amend Sections 1164, 1166, and 1167, and to repeal Sections 1163, 1175, and 1180, and both the sections numbered 1161 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1161, all relating to summary proceedings for obtaining possession of real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 461 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 462—An Act to amend Sections 1183, 1184, 1191, and 1203, and to repeal Section 1196 of the Code of Civil Procedure, all relating to liens of mechanics and others upon real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 462 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 463—An Act to repeal Chapter III of Title IV of Part III of the Code of Civil Procedure, and each and every section of said

Chapter III, and to substitute a new Chapter III to take the place thereof in said code, relating to liens for salaries and wages.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 463 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selva, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 464—An Act to amend Sections 1209, 1210, 1217, and 1218 of the Code of Civil Procedure, all relating to contempts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 464 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selva, Shortridge, Tyrrell of San Francisco, Ward, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 465—An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 465 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Ward, Welch, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 466—An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation proceedings.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 466 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Ward, Welch, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 467—An Act to repeal Title VIII of Part III of the Code of Civil Procedure, and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said code, relating to escheated estates.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 467 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 487—An Act to repeal Articles I and II of Chapter II of Title XI of Part III of the Code of Civil Procedure, and each and every section of said Articles I and II, and to substitute new Articles I and II to take the place thereof in said code, all relating to the probate of wills.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 487 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Devlin, Diggs, French, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 488—An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 488 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Devlin, Diggs, French, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Pendleton, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 489—An Act to amend Sections 1327, 1328, 1329, and 1330 of the Code of Civil Procedure, all relating to the contesting of wills after probate.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 489 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 490—An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 490 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Flint, French, Knowland, Lardner, Leavitt, Lukens, Muentner, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Welch, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 491—An Act to amend Sections 1349, 1350, 1351, and 1356 of the Code of Civil Procedure, all relating to letters testamentary and of administration with the will annexed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 491 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 492—An Act to amend Sections 1366, 1367, 1368, 1371, 1375, and 1383, and to repeal Section 1379 of the Code of Civil Procedure, all relating to letters of administration.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 492 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Williams, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 493—An Act to amend Sections 1412, 1415, and 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 493 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Knowland, Lardner, Leavitt, Nelson, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 494—An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 494 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 495—An Act to amend Section 1426 of the Code of Civil Procedure, relating to grants of letters of administration with the will annexed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 495 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Smith, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 496—An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to removal of executors and administrators.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 496 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 497—An Act to amend Sections 1443, 1445, and 1447 of the Code of Civil Procedure, all relating to the inventory and appraisement of the estates of decedents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 497 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hubbell, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 498—An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of the property of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 498 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 499—An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons in savings banks.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 499 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs,

French, Knowland, Lardner, Leavitt, Lukens, Nelson, Pendleton, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 500—An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 500 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Rowell, Sanford, Selvage, Shortridge, Ward, Williams, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 501—An Act to amend Sections 1464, 1465, 1466, 1468, and 1470 of the Code of Civil Procedure, all relating to provisions for the support of families of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 501 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Rowell, Sanford, Savage, Shortridge, Smith, Ward, Williams, and Woodward—27.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 502—An Act to repeal Article II of Chapter V of Title XI of Part III of the Code of Civil Procedure, and to substitute a new Article II to take the place thereof in said code, relating to proceedings to set aside homesteads.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 502 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Rowell, Sanford, Shortridge, Smith, Ward, Welch, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 503—An Act to repeal Chapter VI of Title XI of Part III of the Code of Civil Procedure, and to substitute a new Chapter VI to take the place thereof in said code, relating to claims against the estates of decedents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 503 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Knowland, Lardner, Leavitt, Lukens, Nelson, Pendleton, Plunkett, Rowell, Sanford, Shortridge, Smith, Ward, Welch, Williams, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 504—An Act to amend Sections 1518, 1522, 1524, 1527, 1540, 1543, 1544, 1552, 1569, 1573, 1575, and 1576 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1527, all relating to the sale of the property of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 504 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Rowell, Sanford, Shortridge, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 505—An Act to amend Sections 1582, 1583, 1584, 1587, 1589, and 1591 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1592, all relating to the powers and duties of administrators.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 505 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hubbell, Knowland, Lardner, Leavitt, Lukens, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 506—An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 506 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Sanford, Selvage, Shortridge, Smith, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 526—An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 526 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Devlin, Diggs, French, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Ward, and Williams—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 527—An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 527 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Devlin, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Lukens, Nelson, Pendleton, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Ward, and Williams—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 528—An Act to amend Sections 1622, 1636, and 1639, and to repeal Sections 1623, 1624, 1625, and 1640 of the Code of Civil Procedure, all relating to accounts of executors and administrators and the settlement of such accounts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 528 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Flint, French, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 529—An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 529 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Lukens, Nelson, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 530—An Act to amend Sections 1658, 1661, 1665, 1668, and 1669, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 530 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Flint, French, Knowland, Lardner, Leavitt, Lukens, Muenter, Nelson, Pendleton, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 532—An Act to amend Section 1710 of the Code of Civil Procedure, relating to notices in proceedings for the settlement of the estates of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 532 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, French, Hubbell, Lardner, Leavitt, Lukens, Pendleton, Plunkett, Rowell, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, and Williams—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 533—An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of the estates of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 533 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Flint, French, Knowland, Lardner, Leavitt, Lukens, Nelson, Pendleton, Sanford, Savage, Selvaige, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Senate Bill No. 649—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding seven new sections thereto, to be numbered Sections 637b, 637c, 637d, 637e, 637f, 637g, 637h, all relating to the protection of birds other than game birds, and their nests and eggs—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 515—An Act to add a new section to the Penal Code of the State of California, to be numbered 654½, for the purpose of preventing baiting for game.

Also: Senate Bill No. 809—An Act to amend Sections 626d and 626k of the Penal Code of the State of California, and to add a new section to said Penal Code, to be numbered Section 627c, relating to game.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Senate Bill No. 383—An Act to amend an Act entitled "An Act to create the office of Fish and Game Warden, and to prescribe the powers, duties and salary of such officer," approved March 26, 1895—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 122—An Act to amend Section 628 of the Penal Code of the State of California, relating to the preservation of fish.

Also: Senate Bill No. 216—An Act entitled "An Act to create fish and game districts."

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass, and request that the authors of the respective bills withdraw the same.

COGGINS, Chairman.

Senate Bills Nos. 649, 515, 809, 383, and 216 ordered on file.

Senator Welch asked for and was granted unanimous consent to withdraw Senate Bill No. 122—An Act to amend Section 628 of the Penal Code of the State of California, relating to the preservation of fish.

Senate Bill No. 122 withdrawn, and ordered stricken from the file.

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the Controllor be and is hereby directed to draw his warrant in favor of Fred M. Smith for the sum of \$213.65 to pay the actual expenses incurred by the committee appointed under the following resolution, adopted by the Senate February 20, 1903:

Resolved, That Senators Leavitt, Smith, Coggins, Muentner, and Tyrrell of San Francisco be and they are hereby authorized to visit the fish hatcheries at Sisson and to report concerning the necessity for appropriations thereon now before the Senate.

Also:

Resolved, That the sum of fifty dollars be and is hereby appropriated out of the Contingent Fund of the Senate, in payment of one half of the expense of the Washington memorial exercises in the Assembly Chamber on February 23, 1903, and the Controllor of State is hereby authorized and directed to draw his warrant in favor of Hon. J. M. Higgins for said sum of fifty dollars.

Expense Account Memorial Exercises, Assembly Chamber, February 23, 1903.

Flowers and decorations	\$20 00
Printing	18 50
Band	35 00
Quartette	20 00
Attendants	6 50
Total	\$100 00

Have had the same under consideration, and respectfully report the same back and recommend that they be adopted.

FLINT, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Flint, French, Hahn, Knowland, Leavitt, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Ward, Williams, and Woodward—25.

NOES—None.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 694—An Act to provide for locating and surveying a State highway from a point on the Trinity River, in Trinity County, near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DEVLIN, Chairman.

Assembly Bill No. 694 ordered on file.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 393—An Act to appropriate \$5,000, to be expended by the Regents of the University of California, in the employment of a plant pathologist to study the nature, control, and cure of asparagus rust, and in conducting experiments under the direction of such pathologist—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

BYRNES, Chairman.

Senate Bill No. 393 ordered on file.

ON MINING.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your Committee on Mining, to whom was referred Assembly Bill No. 29—An Act to provide for the covering or fencing of abandoned mining shafts, pits, or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same—have had the same under consideration, and respectfully report the same back and recommend that the same do pass.

RALSTON, Chairman.

Assembly Bill No. 29 ordered on file.

RECESS.

At twelve o'clock and thirty minutes P. M., the acting President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Woodward, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bills Nos. 476, 477, and 756.

Also: Concurred in Senate Concurrent Resolution No. 15—Relative to the consent of the Legislature to absence from the State of State Senator C. W. Pendleton for a period not to exceed six months.

Also: Adopted Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of the State of California by adding a new section thereto, to be numbered Section 24½ of Article IV, relating to the power of the Legislature to amend existing codes.

Also: Adopted Assembly Concurrent Resolution No. 12—Approving the charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city, at a general election held therein for the purpose, among other things, of ratifying said charter, on the second day of April, 1902.

CLIO LLOYD, Chief Clerk.

By J. P. GREELY, Assistant.

Senate Concurrent Resolution No. 15 ordered to enrollment.

Assembly Constitutional Amendment No. 26 referred to Committee on Constitutional Amendments.

Assembly Concurrent Resolution No. 12, on motion of Senator Woodward, was placed on file.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Woodward asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 12 taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 12.

Approving the charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city, at a general election held therein, for the purpose, among other things, of ratifying said charter, on the second day of April, 1902.

WHEREAS, The City of Santa Rosa, in Sonoma County, California, is now, and at all the time herein referred to, was a city containing a population of more than three thousand five hundred, but less than ten thousand; and

WHEREAS, At an election held in said city on December third, nineteen hundred and one, in accordance with law and the provisions of section eight of article eleven of the Constitution of this State, a board of fifteen freeholders, duly qualified, was duly elected in and by said city, and by the qualified electors thereof, to prepare and propose a charter for said city, which said board of fifteen freeholders did, within the ninety days next after such election, prepare and propose a charter for said city, which said charter was, on the eighth day of February, nineteen hundred and two, signed in duplicate by a majority of the members of said board of fifteen freeholders, and was on the tenth day of February, nineteen hundred and two, returned, one copy thereof to the Mayor of said city, and the other copy thereof to the County Recorder of the County of Sonoma (within which county said city is situated); and

WHEREAS, Such proposed charter was then published in one daily newspaper of general circulation in said city, to wit: in "The Press Democrat," for more than twenty days, such publication having been commenced within twenty days after the completion of said proposed charter; and

WHEREAS, Said charter was, within not less than thirty days after the completion of said publication, submitted by the legislative authority of said city, to wit: by the Common Council thereof, to the qualified electors of said city, at a general election, previously duly called, and thereafter held in said city on April second, nineteen hundred and two; and

WHEREAS, The returns of said election were duly canvassed by said Common Council of the City of Santa Rosa, at its meeting held on April seventh, nineteen hundred and two, and said Common Council found as the result of said canvass, and did duly determine and declare, that there were cast at said election fourteen hundred and seventy-four votes, that there were cast in favor of said charter six hundred and eleven votes, that there were cast against said charter five hundred and thirty-two votes; and

WHEREAS, Said charter is now submitted to the Legislature of the State of California for its approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of section eight of article eleven of the Constitution of the State of California; and

WHEREAS, Said charter is in the words and figures following, to wit:

Article I—Name and Corporate Rights.

SECTION 1. The municipal corporation now existing and known as the City of Santa Rosa shall remain and continue to be a body politic and corporate, in name, in fact, and in law, by name of the City of Santa Rosa, and by that name shall have perpetual suc-

cession; may sue and be sued, prosecute and defend in all courts, boards, tribunals, places, and jurisdictions. It may have and use a common seal, and may alter it at pleasure; may purchase, acquire by condemnation, hold, receive, own, and control real and personal property within and without the city limits; may receive property of any kind by bequest, donations, or gifts, for the use of said city, or the inhabitants thereof, or for charitable, public, or other purposes and may do and perform any and all acts requisite for such bequests, donations, or gifts, and shall have power to sell, grant, donate, give, or dispose of any and all such property and fulfill or carry out any trust imposed upon it, and it is hereby declared to be the successor of the existing municipality.

Boundaries.

SEC. 2. The boundaries and corporate limits of the City of Santa Rosa shall be as follows, to wit: Beginning at a point three fourths of a mile due north of the northwest corner of Fourth and C or Mendocino streets, in said city; thence running due east three fourths of a mile; thence due south one and one half miles; thence due west to the westerly line of the San Francisco and North Pacific Railway; thence along the westerly line of said railway to the north bank of Santa Rosa creek; thence westerly, following the meanderings of the north bank of said creek, to the westerly line of a tract of land known as the Hewitt Addition to Santa Rosa; thence along the westerly line of said Hewitt's Addition and the land of Dr. J. F. Boyce to the center of the county road known as the Redwood or Laguna road; thence due north to a point due west of the point of beginning; thence due east to the point of beginning. All situate in Sonoma County, California.

Jurisdiction.

SEC. 3. The jurisdiction of the City of Santa Rosa shall extend to and over the lands, rights of ways, easements, property and appurtenances of the sewer farm and the sewer outlets and rights, privileges appertaining thereto; to the land, water, property, property rights, privileges, easements and appurtenances, and all property, real, personal and mixed, of the water works now owned, possessed or controlled, or that may hereafter be acquired by the city; and to all other property, real or personal, belonging to said city, within or without the limits of said city now owned, controlled or possessed by said city, or that may hereafter be acquired; and the jurisdiction of this city shall extend over the cemeteries situate within one mile from the exterior boundaries of said city.

Article II—Elections.

SECTION 1. An election shall be held in said city for the election of the elective officers provided for by this charter on the first Tuesday of June, A. D. nineteen hundred and three, and every two years thereafter, on the same day.

SEC. 2. All male citizens residing within the corporate limits of said city, and who have resided therein thirty days next preceding any general or special election, and who are entitled to vote for members of the legislative assembly, shall be entitled to vote at all elections in said city.

SEC. 3. The conduct and carrying on of all city elections shall be under the control of the Common Council, and the Common Council shall, by ordinance, provide for the holding of all city elections, and may district and subdivide the municipality into municipal election precincts, for the holding of municipal elections, and change and alter such precincts and redistrict the municipality for such elections as often as occasion may require. Unless the boundaries of the precincts shall be changed, as herein provided, they shall remain as fixed for the election of State and county officers at the last general election preceding the city election.

SEC. 4. The provisions of the general laws of the State governing elections for State and county officers not inconsistent with the provisions of this charter shall govern city elections in matters for which no provision is made in this charter, or by ordinance or order passed in pursuance thereof.

SEC. 5. The Common Council shall have power, and it is hereby made their duty, by ordinance or by an order entered on their minutes, to designate their time and places of holding said elections; designate and appoint the officers not less than three for each precinct for conducting said election, canvassing the votes, and declaring the result; and to fix their compensation.

SEC. 6. The Common Council shall by ordinance, or by an order entered on their minutes, fix the place for holding all city elections. They shall by ordinance, or by an order entered on their minutes at least fifteen days before the election in each year, direct the City Clerk to post a notice of said election, and shall also direct a like notice to be published in some newspaper or newspapers published in said city, designated in said order, and shall by like ordinance or order appoint officers of election, and prescribe their duties. Such officers shall be qualified electors of said city. The City Clerk shall, after the passage of said ordinance, or the entry of said orders, and at least ten days before the day of election, post a notice of such election in three public places in said city; and shall be directed by said ordinance, or by said order, to publish said notice in the newspaper or newspapers designated in said order or ordinance. Said notice shall designate the time and places of holding said election, the time of opening and closing the polls, the officers to be elected, and the names of the officers appointed to conduct

said election. At the time for opening the polls, said officers shall appear at the place of said election, but if either of them fail to appear and serve, the bystanders may elect some qualified elector to serve in the place of said absent officer or officers. The officers so appointed to conduct said election shall be sworn to the faithful performance of their duties, before entering upon the performance thereof. The ballot-box shall then be opened for the reception of votes, and the election shall be conducted, the votes counted, and the result declared in the manner provided by ordinance duly passed by the Common Council. Returns from each precinct should be made to the City Clerk as provided by ordinance or order of the Common Council duly entered upon their minutes.

Sec. 7. The person receiving the highest number of votes for any city office shall be declared elected to said office, but no person shall hold two elective city offices at one time. If two persons receive the same number of votes for any office, and an election be thereby prevented, the Common Council shall elect one of said persons to said office, and cause a certificate of election to be issued to him. The Mayor shall issue the certificates of election to the persons elected, which certificate shall be attested by the clerk.

Sec. 8. Any person who has, at any election, received votes for any city office, and who is dissatisfied with the counting of votes made by the officers of election, may, within five days after the result of said election is declared by the officers of election, serve a notice in writing on the person declared by said officers to be elected to said office, notifying that he will contest said election before the Common Council, and shall file a copy of said notice with the City Clerk. Said Common Council are directed to set a time and place to hear testimony, examine witnesses and the ballots cast for said office at said election, and determine between the said contestants which decision shall be entered on the minutes, and shall be final and conclusive. If no certificate of election has been issued, they shall direct that a certificate issue to the person so found to be entitled to the office. If a certificate of election has been issued to the wrong person, they shall, by order on the minutes, declare such certificate null and void, and the person to whom the Common Council shall direct the certificate to be issued shall be deemed to be the person elected.

Article III—Officers of the City.

SECTION 1. The officers of the city shall be a—

Mayor,
Six Councilmen,
City Clerk,
City Assessor and Tax Collector,
City Attorney,
Superintendent of Streets and Public Works,
City Treasurer,
Chief of Police,
Judge of the Police Court,
City Engineer,
Five members Board of Education,
Five Library Trustees,
Board of Health, consisting of five members.

Article IV—Legislative Department.

SECTION 1. The legislative power of the city shall be vested in a Common Council, who shall be elected every four years, and shall consist of six members, to be nominated and elected by the city at large.

Sec. 2. At the first election provided in this Act, six Councilmen shall be elected, three of whom shall hold their offices for two years, and the other three for four years. The terms of office of those elected at the first election shall be determined by lot. At every election thereafter three Councilmen shall be elected.

Article V—Powers of the Common Council.

SECTION 1. The Common Council shall have power, and it is hereby made their duty, to make such ordinances, not inconsistent with the Constitution of the United States or of this State.

One—To manage and care for the property, money, and finances of the city.

Two—To lay out, alter, establish, open, widen, or to reduce in width, vacate, construct, reconstruct, grade, pave, gravel, macadamize, curb, repair, improve, sweep, clean, sprinkle, and keep in order all streets, roads, lanes, alleys, sidewalks, crossings, gutters, bridges, public squares, public parks, and places; to acquire and erect statuary or works of art, to plant ornamental or shade trees; to establish, change, or alter grades of streets, alleys, sidewalks, crossings, and gutters; to lay out, construct, establish, and build gutters, culverts, sewers, and drains; to drain, sprinkle, light, ornament, and keep in order all public streets, alleys, sidewalks, courts, parks, streams, creeks, or watercourses, squares, or public places, to remove obstructions therefrom, and generally to manage, control, and care for all such bridges, streets, sidewalks, curbs, lanes, alleys, squares, highways, sewers, and public places, and do all other things for the care, improvement, and conduct of said city.

Three—To establish, maintain, and regulate a fire department, and to provide engines, apparatus, measures, or materials for the prevention or extinguishing of fires; to define and regulate fire limits.

Four—To provide for lighting public buildings, streets, and grounds with artificial light.

Five—To provide for printing the charter and ordinances and other necessary printing for the city, and to provide the city or public buildings, grounds, streets and public places with water.

Six—To contract for the lighting of the streets and public buildings with gas, natural or artificial, electricity or artificial lights of any kind, no such contract to continue for a longer period than two years, unless as otherwise provided in this charter, and to be let only after public notice and to the lowest responsible bidder.

Seven—To authorize the letting of contracts for street work, street sprinkling, street repairs or building, construction or repairs of sewers, or grading, graveling, paving, macadamizing, curbing or laying sidewalks or any and all kinds of public works, to the lowest responsible bidder, after public notice thereof.

Eight—To define nuisances; to prevent and remove nuisances within the city, or along or in any creek or watercourse or near the city limits.

Nine—To regulate or prohibit the storage or placing of gunpowder, hay, dynamite or other dangerous or destructive combustibles.

Ten—To prevent disturbances of the peace; to prohibit disorderly conduct; to license, regulate and prohibit junk dealers; to license or regulate taverns, billiard tables, saloons, theatrical shows, circuses or performances of all kinds, concerts and all public entertainments and amusements; to regulate parades or processions; to license or regulate saloons, hawkers, peddlers, pawnbrokers, bill-posters, baggage or express wagons, hacks, cabs and carriages; to regulate or prohibit dance houses, houses of assignation, ill-fame, and disorderly houses of all kinds.

Eleven—To prevent the running at large of horses, swine, sheep, goats, mules, and cattle, and regulate the driving of same through public streets; to impound the same and sell the same to cover costs and expenses in taking, caring for, or selling them; to compel the muzzling or killing of dogs; to provide for killing dogs for non-payment of taxes thereon.

Twelve—To establish and regulate markets, booths, and stands; to regulate or prohibit slaughter-houses within the city.

Thirteen—To establish and maintain a police department, and to regulate the same; to provide for a chain-gang, and to authorize persons committed for non-payment of fines to work out such fines and costs of their trial and imprisonment.

Fourteen—To care for, build, or improve bridges over creeks or watercourses; to establish public reservoirs for water, and to provide and maintain a water works for the supply of the city and inhabitants with water; to own, control, manage, and conduct a system of water works; to regulate any water system, or water works, or water supply, whether owned by the city or not; to purchase or obtain water rights, water supplies, and any and all lands, rights of way, water easements and appurtenances for the same; to build dams or embankments in any creek or watercourse, to impound water in any such creek or watercourse for a public swimming lake or for public baths.

Fifteen—To impose fines, imprisonments, and punishments for violating ordinances of the city, and to impose penalties therefor; *provided*, that no ordinance shall fix a fine for one offense above two hundred and ninety-nine dollars, or imprisonment for more than one hundred and forty-nine days, and providing that alternative judgment may be entered imposing a fine, and on failure to pay the same imprisoning the offender one day for each two dollars of the fine, or to cause such persons to work out the same at the rate of two dollars for each day's work.

Sixteen—To provide for the removal of dirt, filth, weeds, and obstructions from the streets, alleys, sidewalks, or public places, and making it an offense punishable by fine for depositing or leaving boxes, stone, dirt, filth, slop, garbage, or any obstruction upon any public street, sidewalk, lane, alley or public place, or to obstruct any sewer, culvert, or other outlet.

Seventeen—To prevent and remove nuisances within the city or along the banks of or in any creek in the city or near the limits of the city.

Eighteen—To prevent the introduction into the city or spreading of infectious diseases; to provide hospitals, prisons, jails, workhouses; to suppress and punish vagrants, mendicants, thieves, pickpockets, bawds, and prostitutes; to punish by fine the owners of vicious or dangerous dogs; to kill such dogs; to provide for measurement, weight and sale of coal oil, wood and coal; to regulate the police; to provide for sanitary matters and preserve the public health.

Nineteen—To regulate the sanitary condition of public cemeteries in the city or within one mile from the exterior limits of the city.

Twenty—To provide for the burial of indigent dead.

Twenty-one—To purchase, lease, acquire by gift or donation any building for city purposes, or for the use of any of the departments; to purchase, lease or acquire by condemnation or otherwise land for public parks, streets or sidewalks thereof.

Twenty-two—To provide for carrying out the provisions of this charter, and the execution of all the powers herein granted.

Twenty-three—The Common Council shall have power, and it is hereby made their duty, to provide by ordinance for a fund to be known as the relief fund for aged and

disabled firemen and policemen. Said fund may be provided for by a tax levy, or in such other manner as the Common Council may deem best.

Twenty-four—The Common Council shall have the power and authority to grant the use of the streets for street fairs and all purposes which in their judgment seems proper.

Twenty-five—The Common Council shall, at the first meeting in each month, make and publish a statement showing the amount in the city treasury available for the fiscal year over and above the amount necessary to pay the salaries of city officials and employes for the balance of the fiscal year.

Twenty-six—To exercise all municipal and police powers necessary to the complete and efficient management and control of the municipal property, and for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

SEC. 2. Whenever there shall be presented to the Common Council a petition signed by a number of qualified voters of the city equal to twenty-five per centum of the votes cast at the last preceding city election asking that an amendment to this charter (which shall be set forth in the petition) be submitted to a vote of the electors of the city, the Common Council must submit such proposed amendment to the vote of the qualified electors of the city at the next city election following such presentation, *provided* such petition shall be presented to the Common Council at least ninety days before the next city election. The signatures to the petition need not all be appended to one paper. All of the provisions of the Constitution of the State of California embracing the subject in this section provided for or hereby expressly made applicable to such proposed amendment. The tickets used at such election shall contain the words "For the amendment" (stating the nature of the proposed amendment), and "Against the amendment" (stating the nature of the proposed amendment). If more than one proposed amendment shall be petitioned for to be voted on at the same election the amendments may be numbered or otherwise designated. But the Common Council shall have power, without any petition therefor, to propose and submit amendments to this charter in the manner authorized by the Constitution of the state. If any amendment submitted at such election shall be ratified by at least three fifths of the qualified electors voting thereat it shall be submitted to the legislature for approval as provided by the Constitution of the State, and if approved by the legislature shall become a part of this charter.

SEC. 3. All ordinances shall be published in some newspaper in Santa Rosa at least one time, and shall be in force ten days after such publication, unless the Common Council shall prescribe a longer or shorter time in which they shall take effect.

SEC. 4. All ordinances shall be signed as near as may be, in the following form, viz.: In the Common Council, finally passed this ____ day of ____, A. D. ____, Attest: ____, City Clerk. Approved this ____ day of ____, A. D. ____, ____, Mayor of the City of Santa Rosa. Ordinances shall commence with the following enacting clause, viz.: "The Common Council of the City of Santa Rosa do hereby ordain as follows."

SEC. 5. Any four members of the Common Council shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, and shall have power to compel the attendance of absent members. But no ordinance, resolution, or order shall be passed except there be at least four votes in its favor.

SEC. 6. The Common Council shall be general agents of the city for the management of the affairs thereof, and shall have general supervision and control thereof. They shall have power to make contracts, and shall have power to provide the manner of signing and executing the same.

Fiscal Year.

SEC. 7. The fiscal year of the said city shall commence on the first day of July of each year, and shall end on the last day of June of the ensuing year. The fiscal year shall be designated as the year of our Lord of the first half of such fiscal year.

SEC. 8. The Common Council shall not contract any liability, either by borrowing money, issuing bonds, loaning the credit of the city, or contracting debts, which, singly or in the aggregate with any previous debts or liabilities, shall exceed the sum of five thousand dollars over and above the amount in the treasury.

SEC. 9. No city officer shall contract any debts or incur any indebtedness or liabilities against the city without authority from the Common Council.

SEC. 10. Whenever special meetings of the Common Council are called, notice thereof shall be served on each member personally or by mail addressed to his place of residence; if by mail, the notice, postpaid, shall be deposited in the postoffice of the city at least twenty-four hours before the time of meeting. At such special meeting no subject shall be considered except that specified in the notice.

SEC. 11. If the owner of any lot within the limits of the city shall allow the same to become offensive or unsightly, the Common Council shall have the power to declare the same as public nuisance, and upon notice being served upon the owner of said property to have the same cleared, and the order not being complied with, the Common Council shall order the superintendent of streets and public works to clear the same. Any expense incurred in the performance of this duty by the superintendent of streets and public works shall be charged against the property, and shall be collected by the tax collector the same as any other tax.

Article VI—Executive Department.

SECTION 1. There shall be a Mayor, who shall be the chief executive officer of the city, who shall be elected and hold office for two years. He shall have been a resident of the city for at least five years, and a qualified voter thereof.

SEC. 2. He shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exactitude, or want thereof, with which they execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property; and the books, records, and official papers of all departments, boards, officers, and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said departments, boards, officers, and persons are kept in legal and proper form; any official defalcation or willful neglect of duty, or official misconduct which he may discover or which shall be reported to him, shall be laid by him before the Common Council, City Attorney, or District Attorney, in order that the public interests may be protected, and persons in default be proceeded against according to law.

One—He shall, from time to time, give the Common Council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial to its interest.

Two—He shall see that the laws of the State, provisions of this charter, and the ordinances of the city are observed and enforced.

Three—He shall appoint a competent person or persons, expert in matters of book-keeping and accounts, to examine the books, records, condition, and affairs of every department, board, or officer, and report fully thereon, in writing, to him at least once in every year, and to enforce such examination. Any person refusing to submit to or permit such examination, or purposely delaying or impeding the same, must be suspended from the office by the Mayor, and may be removed as for malfeasance in office, and he shall submit the report to the Common Council at the next meeting.

Four—He shall have a general supervision over all departments and public institutions of the city, and see that they are honestly, economically, and lawfully conducted.

Five—He shall take all proper measures for the preservation of public order, and the suppression of all riots and tumults, for which purpose he is authorized and empowered to use and command the police force; and if such police force is insufficient, it shall be his duty to call upon the citizens or the Governor for military aid, in the manner provided by law, in order that such riots or tumults may be properly and effectively suppressed.

SEC. 3. The Mayor shall preside at all meetings of the Common Council, and shall be entitled to vote only on questions coming before said Common Council when the votes of the said Common Council are evenly divided.

SEC. 4. The Mayor shall sign all warrants ordered drawn by the Common Council; and shall sign all written contracts entered into by said city, on behalf of the city. All of said contracts shall be executed in duplicate, one copy thereof delivered to the party contracting with the city, and the other filed in the office of the City Clerk for future reference.

SEC. 5. The Mayor shall sign all conveyances made by the said city, and is authorized to acknowledge the execution of all instruments executed by the said city that require to be acknowledged.

SEC. 6. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of the city against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. He shall have the general supervision of all said officers elected or appointed; he shall have power to suspend any elective city officer (except a member of the Common Council) for a dereliction, neglect, or non-performance of duty, and shall report the same to the Common Council. During such suspension the officer shall not be allowed a salary. If the Common Council, after a hearing, by affirmative vote of at least five members, approve the suspension, they shall declare the office vacant or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the Mayor, subject to the approval of the Common Council.

SEC. 7. When and so long as the Mayor is temporarily unable to perform his official duties, the Common Council shall elect one of their number to act as Mayor pro tempore. When a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by the Common Council, assembled for the purpose. A member of the Common Council, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

SEC. 8. Every ordinance after it has passed the Common Council, shall be signed by the Mayor. The Mayor shall return such bill to the Common Council, or file the same with the City Clerk within ten days after receiving it. If he sign the same it shall then become an ordinance, but if he disapprove the bill he shall state his objections thereto in writing. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same.

SEC. 9. When an ordinance is returned without the approval of the Mayor, the Common Council shall, within thirty days thereafter, proceed to consider and vote on the same. If the bill be again passed by an affirmative vote of not less than five members, it shall take effect as if the Mayor had approved the same. If the bill fail, on

being reconsidered, to receive five affirmative votes, it shall then be finally lost. The vote shall be taken by ayes and noes, and the result shall be entered in the minutes of the Common Council.

SEC. 10. The Mayor and Common Council shall appoint all officers of the city whose election or appointment is not otherwise provided for in this charter or by law.

Article VII—Duties of Officers.

City Clerk.

SECTION 1. The City Clerk shall be elected and hold office for two years. It shall be the duty of the City Clerk to keep a record of the proceedings of the Common Council and the Board of Equalization. The Council proceedings shall be kept in a book marked "records of the Common Council." The proceedings of the Board of Equalization shall be kept in a separate book marked "records of the Board of Equalization." He shall keep a book marked "city accounts," in which shall be entered all moneys received by the city for licenses and all other moneys received from all sources, and upon the debtor side shall be entered all warrants drawn upon the treasury. He shall enter the amount and kind of taxes levied and when levied. He shall also keep a book marked "Tax Collector's account," in which he shall charge the Tax Collector up with all tax lists delivered to him. He shall credit the Tax Collector with the delinquent lists returned. He shall keep a correct account of all tax lists and assessments and all taxes of every kind to be collected by the Tax Collector. The dates and amounts shall be correctly kept. He shall also keep a book marked "city ordinances," into which he shall copy all city ordinances, with his certificate annexed to said copy, stating the foregoing ordinance is a true and correct copy of the ordinance of the City of Santa Rosa, and giving the number and title of said ordinance, and stating that the same has been published according to law. Said record shall be prima facie evidence of the contents of the ordinance, and of its passage, approval, and publication, and the record thereof shall be received in all courts or tribunals as evidence without further proof. But the passage and publication may be proved by other satisfactory evidence. He shall properly index his records. He shall keep a book marked "demands and warrants," in which he shall make an entry of every demand filed against the city, and the final disposition thereof, whether allowed or not, giving number and date of warrant, if issued, and shall index the same upon the completion of the assessment roll of any of the taxes of the city and the levying of the tax; he shall apportion the taxes on the said roll, and shall make out and deliver all tax lists to the Tax Collector, taking his receipt therefor. He shall have power to administer oaths or affirmations, take affidavits and certify the same. He shall take the certified demands of the city without charge. He shall have charge of the seal of the city, on which shall be engraved the arms of the State and the words "City Clerk of the City of Santa Rosa." He shall make quarterly reports in writing, showing the receipts and expenditures during the quarter, and a full statement of the financial affairs of the city, at least once a year. He shall report oftener if the Common Council so require. It shall also be his duty to collect all licenses imposed by any ordinance of this city. He shall keep a separate book showing all licenses issued, to whom issued and what for. All licenses shall be payable at the office of the City Clerk. He shall also perform all other duties required by law or the ordinances of the city.

City Assessor and Tax Collector.

SEC. 2. The City Assessor shall be elected and hold office for two years. It shall be the duty of the City Assessor, as soon after the first Monday in March of each year as practicable, to make a full, true, and correct statement of all of the taxable property within the city, owned or possessed by any person, board, or corporation, at twelve o'clock, noon, on the first Monday in March, of each year, and such additional taxable property as may be included within territory annexed to the city for school purposes; *provided*, that he may adopt the assessed valuation fixed by the county assessor for such property outside of the city limits and within the school district. He shall make out lists, giving the names of owners, and a description and value of the property, following the form as near as may be as required by the laws of the State governing County Assessors. He shall make his assessment as near as may be in conformity to the laws of the State in relation to assessments by county assessors. All of said lists shall be verified by his oath, and shall be returned to the Common Council on or before the first Monday of July of each year. But no information shall invalidate said assessment. He shall have power to administer oaths and to take affidavits. He shall, at the time of making the assessment, collect the taxes levied upon the personal property from all persons liable therefor, who shall not own or be assessed with real estate. He shall attend the sessions of the Board of Equalization, whenever requested by the board. It shall be his duty to collect all taxes in this charter provided. He shall account for all moneys collected or received by him. He shall receipt to the City Clerk for all tax lists, tax receipts, tax books, and the total amount thereof. He shall diligently collect all taxes and properly account for all moneys belonging to the city received by him, and deposit the same with the City Treasurer, taking his receipt therefor. The Common Council may by ordinance further define the duties of Assessor and Tax Collector.

SEC. 3. The City Assessor and Tax Collector shall turn over his receipts daily at the close of each day to the City Treasurer, taking his receipt therefor. When acting as Tax

Collector he shall have his office open between the hours of nine A. M. and three P. M. of each day, excepting Sundays and holidays, including the last day on which taxes shall become delinquent.

Judge of the Police Court.

SEC. 4. The Judge of the Police Court shall be elected and hold office for two years. He shall have the same jurisdiction in criminal cases which is conferred by the laws of the State on Justices of the Peace, and all laws of the State relating to criminal matters applicable to Justices of the Peace of Justices' Courts are made applicable to the Judge of the Police Court. The Judge of the Police Court shall have jurisdiction over all cases for violation of the ordinances of the city, and shall have the power to impose fines upon or to imprison persons adjudged to be guilty of violating any of the ordinances of the city. The judgment may be in the alternative, imposing a fine or providing imprisonment for non-payment thereof. In such case such imprisonment shall be one day for each two dollars of the fine imposed. Persons adjudged to be guilty may be required to work out the fine by working upon the public streets or other public works of the city. In any case of imprisonment it shall be in the city prison or county jail of Sonoma County. Appeals may be taken to the Superior Court from any judgment entered by the Judge of the Police Court in the same manner as is provided by law for appeals from Justices' Courts. All provisions of the Code of Civil Procedure, relating to appeals from Justices' Courts are applicable to appeals from the judgment of the Judge of the Police Court. He shall have power to administer oaths, take and certify affidavits, in the same manner and with like effect as Justices of the Peace. He shall have a seal, on which shall be engraved the arms of the State and the words "Judge of the Police Court of the City of Santa Rosa." He shall have power to issue warrants, writs, summons, and they may be directed to the Chief of Police or to any Sheriff or Constable, who shall serve and return the same in all respects as if issued by a Justice of the Peace. He shall keep a docket. All fines collected by him shall be paid into the city treasury. He shall make reports quarterly or oftener if required by the Common Council. The Common Council may by ordinance further define his duties. Any Justice of the Peace of Santa Rosa township shall possess the same powers herein conferred upon the Judge of the Police Court to hear and try all cases for the violation of any of the ordinances of the city, but the authority herein conferred upon said Justices of the Peace shall not be construed as impairing, reducing, or taking from the Judge of the Police Court any right, power, or jurisdiction vested in him. All fines imposed shall be paid into the city treasury on or before the last day of each month.

Chief of Police.

SEC. 5. The Chief of Police shall be appointed and serve during the pleasure of the the Common Council. The department of the police shall be under the direction of the Chief of Police. He shall have all the powers given to peace officers under the laws of this State. He shall have power, and it is made his duty, to preserve the public peace, to suppress riots, tumults, disturbances. He shall have all the powers conferred on Sheriffs by the laws of the State. His orders shall be promptly executed by the police officers or other officers or watchmen in the city, and every citizen shall lend him aid when required for the arrest of offenders and the maintenance of order and protection of persons and property. He shall execute and return all process issued to him by legal authority. He shall have authority, and it is hereby made his duty to arrest on view, with or without a warrant, persons violating any law of the State or ordinance of the city. It shall be his duty to take persons arrested before the judge of the police court, or a justice of the peace, or to detain or to take bail for their appearance. Persons arrested for violating any of the ordinances of the city may, before or after trial, be confined in the county jail of Sonoma County or in the city prison of the city. He shall perform all duties imposed upon him by the ordinances of the Common Council, shall be subject to the control of the Common Council, and he may be removed by the Common Council for dereliction of duty. No officer appointed on the police force shall be removed except for cause.

City Treasurer.

SEC. 6. The City Treasurer shall be appointed by the Common Council, who shall fix his compensation. He shall do and perform all and every act and thing required of the City Treasurer by this charter or any law or ordinance of the city.

SEC. 7. It shall be the duty of the City Treasurer to receive and safely keep all moneys belonging to the city which shall come to his hands, for which he shall give duplicate receipts, one of which shall be filed with the City Clerk. He shall pay out the same only on warrants signed by the Mayor, and countersigned by the City Clerk. He shall make monthly reports to the Common Council. He shall make quarterly settlements with the City Clerk, which shall be signed by each and read in a regular meeting of the Common Council and filed with the City Clerk, and shall perform such other duties as may be imposed on him by ordinance.

City Attorney.

SEC. 8. The City Attorney shall be elected and hold office for two years. It shall be the duty of the City Attorney to advise the officers and authorities of the city in all

legal matters pertaining to the business of the city; to prosecute in all cases of violations of the city ordinances or non-compliance therewith, and shall represent the city in all suits in which the city may be a party, or in which the city may be interested. He shall have power in his official capacity to sign informations or charges against persons violating or non-complying with any of the ordinances of the city, which informations or charges shall have the same force and effect as sworn complaints; he may collect the delinquent taxes by suit in the manner provided by law, or as may be provided by ordinance, and shall perform all other duties imposed upon him by ordinances of the city.

Superintendent of Streets and Public Works.

SEC. 9. The Superintendent of Streets and Public Works shall be appointed by the Mayor and Common Council of the City of Santa Rosa, and shall be under the control of the Common Council. He shall have general supervision and care and charge of the public streets, alleys, lanes, sidewalks, bridges, culverts, sewers, drains, crossings, public parks, buildings, and public grounds, and the improvements thereof. He shall have general supervision of the sewers' outlets, and sewer farm. He shall have general supervision of the water works, water plant, and water supply of the city. He shall see that all ordinances in relation to the public streets, alleys, sidewalks, public grounds, and the sewers, and water of the city are duly enforced and observed. He shall superintend all public works ordered or carried on by the city. He shall have the custody and care of all tools and implements and all property belonging to the city, and he shall care for and be responsible for the safe keeping of the same. He shall attend the meetings of the Common Council. He shall be provided by the Common Council with an office in the City Hall. He shall be required to make a written monthly report and recommendations to the Common Council.

SEC. 10. All property owners in the City of Santa Rosa shall keep their sidewalks free from weeds, growths, and obstructions. It shall be the duty of the Superintendent of Streets and Public Works to see that the sidewalks are kept uniformly clean from weeds and other obstructions. He shall notify property owners to clean sidewalks when, in his judgment, the same is necessary, and if the order is not complied with in one month's time, the Superintendent of Streets and Public Works shall cause the same to be done. Any expense incurred by the city in the performance of this duty shall be a first lien upon the property, and shall be collected the same as any tax levied by the city.

Policemen.

SEC. 11. The Common Council may appoint policemen, who shall be subject to the orders of the Common Council and be under the control of the Chief of Police. They shall be conservators of the public peace, and they shall have the same powers in suppressing riots, tumults, affrays, and in making arrests as is conferred upon the Chief of Police. They shall vigilantly see that the ordinances of this city are enforced. As deputies of the Chief of Police, the policemen shall have the authority to serve warrants and process of law issued by the Judge of the Police Court or other legal process authorized by ordinance. The Mayor and Chief of Police may provide extra police for special occasions, to serve from day to day, and who shall have like power as regular policemen. The Common Council shall fix their compensation.

City Engineer.

SEC. 12. There shall be a City Engineer, who shall be appointed by the Mayor, subject to the approval of the Common Council, and shall hold office at the pleasure of the Mayor. He shall perform all civil engineering and surveying required in the prosecution of the public works and improvements done under the direction of the Common Council, and shall certify to the progress and completion of the same, and shall also make such maps, plats, plans, and specifications as the Common Council may direct. It shall also be his duty to see that all buildings, balconies, porches, awnings, signs, and all fixtures appertaining to buildings are constructed in a safe and substantial manner and according to the requirements of law and the city ordinances; and it shall also be his duty to cause the arrest of and prosecute all persons failing or refusing to comply with the law or ordinances in relation thereto.

SEC. 13. He shall act as inspector of plumbing and draining, and to him, as such, plans and specifications of all contemplated constructions, improvements, repairs, and alterations within the city shall be submitted for his examination and report; he shall number and file the same, and record the name of the owner and architect and location.

SEC. 14. He shall examine all plans and accompanying specifications, and, if in accordance with the rules of the Board of Health, he shall issue a permit for the work to go on. Any plan or specification that in his judgment does not conform to the rules shall not be approved, but shall be returned to the parties presenting it, with a written notice explaining the corrections necessary in order to comply with the rules.

SEC. 15. He shall examine all plumbing work before the same is covered up, or closed, and if found to be done in accordance with the rules and plans and specifications filed, he shall issue a certificate to that effect, and upon the completion of any plumbing work he shall examine the same, and if found to conform to the rules of the Board of Health and the plans and specifications filed, he shall issue a final certificate.

Sec. 16. He shall make a monthly report to the Common Council of the number of plans and specifications received, the number approved and rejected, the number of first and final examinations made, where and by whom the rules have been violated, and such other matters as may be required by the Board of Health.

Sec. 17. He shall immediately upon knowledge of any infraction of the rules and regulations, report the same to the Common Council and do such other work pertaining to his profession as he may be directed to do by the Common Council or by any general law of the State of California. He shall keep a public office within the city, and shall keep therein the records of his office and all maps, plats, surveys and certificates pertaining thereto, with an index for easy reference. All such records, maps, plats, surveys and certificates, including monuments, shall be the property of the city, and shall be turned over to his successor in office.

Article VIII—Bonds, Terms, and Salaries of Officers.

SECTION 1. Every officer provided for in this charter shall, within twenty days after receiving his certificate of election or appointment, qualify, by giving the bond required by this charter or the ordinances of the city, and by taking and subscribing to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of California, and I will faithfully discharge the duties of the office of (insert name of office) according to the best of my ability."

Sec. 2. All officers of the city, whether elective or appointive, of whom a bond is required, must give a bond in some approved surety company; *provided*, that the premium charged shall not be considered unreasonable by the Common Council.

Sec. 3. In case the premium should be considered extortionate, then a bond may be given with personal sureties. All official bonds shall be approved or rejected by the Common Council by an order entered on the minutes.

Sec. 4. The Common Council may, at any time, require an additional bond whenever any official bond may be deemed insufficient, and upon the failure on the part of an officer to furnish a satisfactory bond, at the request of the Common Council, his office shall be declared vacant, and as soon as such declaration is made the office becomes vacant.

Sec. 5. All premiums on official bonds shall be paid by the City of Santa Rosa.

Sec. 6. All bonds shall be payable to the City of Santa Rosa.

Sec. 7. The amount of the bonds required of any official by the Common Council shall be fixed by ordinance.

Terms of Office.

Sec. 8. The terms of all officers provided for in this charter shall begin on the first day of July next after the city election, and they shall hold office for two years, except members of the Common Council, who shall hold office for four years, and until their successors shall qualify. The Common Council shall fill any vacancy occurring in any city office for the remainder of the term.

Salaries of Officers.

Sec. 9. The Mayor of the City of Santa Rosa shall receive a salary of six hundred dollars per annum, payable monthly.

Each member of the Common Council shall receive five dollars per meeting for each meeting of the Common Council, and five dollars per day for each day's actual attendance as member of the Board of Equalization. The sum received by each shall not exceed two hundred dollars in any fiscal year. Any member attending a meeting of the Common Council or the Board of Equalization and leaving the same before the completion of the labors thereof, shall have to be excused by the Common Council to be entitled to his compensation. They shall not be paid for more than two meetings of the Common Council in any one month.

The City Clerk shall receive a salary of nine hundred dollars per annum, payable monthly.

The City Assessor and Tax Collector shall receive a salary of six hundred dollars per annum, payable monthly.

The City Attorney shall receive a salary of six hundred dollars per annum, payable monthly.

The Superintendent of Streets and Public Works shall receive a salary of fifteen hundred dollars per annum, payable monthly.

The Chief of Police shall receive a salary of twelve hundred dollars per annum, payable monthly, and policemen shall receive a salary of ten hundred dollars per annum, payable monthly.

The Judge of the Police Court shall receive a salary of six hundred dollars per annum, payable monthly.

The salary of the City Treasurer and City Engineer shall be fixed by the Common Council.

When not herein otherwise provided the Common Council shall, by ordinance, fix the compensation of city officers and employés.

Article IX—Bonds and Contracts.

SECTION 1. The Common Council shall by ordinance or resolution prescribe the penalties and conditions of bonds required of contractors or other persons performing contracts or doing work for the city. No member of the Common Council, nor shall city officer, be a surety on any bonds to the city, or be directly or indirectly interested in any contract wherein the city is interested or a party, or in any pay for work done, or for materials furnished or used by the city in any work done under the direction of the city.

Article X—Delinquent Taxes.

SECTION 1. All taxes not paid on or before the last Monday in November shall be delinquent, and there shall be added ten per cent on said delinquent taxes for delinquency. The City Assessor and Tax Collector shall immediately thereafter make out a list of all delinquent taxes, adding the percentage for delinquency thereto, and shall verify the same with his oath, and shall proceed to advertise and sell the property for such delinquent taxes, costs of advertisement and other costs, in the same manner, as near as may be, except as to the time and place of sales, and officer making such sales, as is provided by the law of the State for the sale of property for delinquent State and county taxes by the Tax Collector of the county. Any person may be a purchaser at any such tax sales made by the City Assessor and Tax Collector. The manner of proceeding under said sale shall be as near as may be in conformity to the laws of the State governing tax sales or any ordinances of the city which are now in force or which may hereafter be passed. The City Assessor and Tax Collector shall issue and deliver certificates of sale to the purchasers, and if the property shall not be redeemed within the time allowed by law or any ordinance of the city, he shall execute, acknowledge, and deliver a deed to the purchaser or his assigns, with such recitals as may be provided by law or any of the ordinances of the city. The Common Council may by ordinance provide for the sale of property for delinquent taxes, for issuing certificates of sale, providing for redemption, and the issuance of deeds thereunder. All deeds for taxes sold shall have the same force and effect as sheriff's deeds, and shall be received as evidence in all courts, and shall be prima facie evidence that all the provisions of the charter, laws and ordinances in relation to the assessment and collection of taxes have been fully complied with. The City Assessor and Tax Collector shall have a credit for all taxes not collected by him on said delinquent list which he could not by the use of due diligence collect, or which shall not be realized on the sale. The Common Council may by ordinance provide additional legislation for the collection of taxes or sale of property for delinquent, or may provide a different procedure or manner for the collection of delinquent taxes than is herein provided. The Common Council may direct the City Attorney to enforce the lien for delinquent taxes by suit in the court having jurisdiction, and obtain a judgment and decree and collect the same in the manner required by law. The assessment list is authority to the City Assessor and Tax Collector to collect all taxes and to seize upon personal property for the collection of the personal property tax not otherwise collected, and to levy upon or seize and sell the property for such taxes or any taxes unpaid, and realize the money due therefor.

SEC. 2. All taxes, penalties, and fines shall be payable in lawful money of the United States.

Article XI—Acquisition of Public Utilities.

SECTION 1. It is hereby declared to be the purpose and intention of the people of the City of Santa Rosa that such of its public utilities as shall be deemed to be for the best interest of the people shall be acquired and owned by the city.

Article XII—Water.

SECTION 1. The Common Council shall have jurisdiction and control of the public water works and water system, and all lands and appurtenances belonging to the city, or which may hereafter be acquired. The Superintendent of Streets and Public Works shall perform all duties that may be required of him by this charter or any law or ordinance of the city in relation to the water system. It shall be his duty to report monthly to the Common Council, giving the items of expense of all kinds, including labor and materials, of the water works or water system. The municipal water plant shall be known as the city water works, and shall be controlled by the Common Council. The Common Council shall have the power and right to construct buildings, lay water pipes, and develop water supply, and do all other things in the management and conduct of said water works. They may, by ordinance or otherwise, establish water rates and provide for the collection of the same, except for water supplied for all domestic uses.

SEC. 2. The Common Council is hereby empowered to lay water mains outside the city limits, and furnish water to outside parties at such prices as they may deem equitable.

Article XIII—Sewers and Drainage.

SECTION 1. The Common Council shall have power to prescribe the location, form, and materials to be used in the construction, building, making, or repairing of public

sewers, manholes, sinks, drainage, cesspools, and appurtenances belonging to the drainage and sewerage systems and of private drains or private sewers, and to determine the place and manner of the connections, and to prescribe the penalties for any violation thereof. The Common Council shall have the power to construct, make, lay, and build sewers, manholes, sinks, drainage, cesspools, and outlets. Contracts for all said work, excepting for private sewers and private drains, shall be based upon plans and specifications prepared by the City Engineer and adopted by the Common Council, and shall be let to the lowest responsible bidder, unless the Common Council shall elect to do the work in the name of and for the city. The Common Council shall provide by ordinance for the manner of letting contracts, and the doing and completion of work under this section. The work mentioned in this section shall be under the supervision of the Superintendent of Streets and Public Works. The Common Council shall provide for the payment of the contract price for the work in this article in accordance with the contract and approval of the Superintendent of Streets and Public Works.

Sec. 2. The Common Council shall have power to pass ordinances relative to sewers, sewage system, drains, sewer plants, outlets, and to prescribe any and all rules and regulations relating thereto, and to authorize the employment of any person or persons to perform any duties or acts necessary under the provisions of this article. The city shall have the right to acquire other real estate for sewer purposes.

Article XIV—Continuing in Force Laws, Ordinances, etc.

SECTION 1. All ordinances, resolutions, orders, rules or regulations of the present City of Santa Rosa, in force at the time this charter takes its effect and inconsistent therewith, shall continue in force until amended, repealed, or revoked, and all officers of the city in office shall continue to hold and exercise their offices until the election, appointment, and qualification of the officers provided for or created by this charter, when they shall surrender up their respective offices to the officers provided for in this charter. All contracts, obligations, or liabilities now existing, or that have been incurred or entered into by or with the present City of Santa Rosa before this charter takes effect, shall continue in force and effect and shall remain unaffected by the adoption thereof.

Sec. 2. This charter shall take effect and be in force from and after its approval by the Legislature of the State of California.

Article XV—Health and Safety.

SECTION 1. The Common Council shall have the power to pass ordinances:

First—To provide for a Board of Health and prescribe their duties and powers.

Second—To provide for removing human remains from the city.

Third—To regulate the dispensaries, hospitals, markets, and other institutions.

Fourth—To establish a city hospital, and provide for its maintenance.

Fifth—Every member of the Board of Health, the Health Officer and Health Inspector may administer oaths on matters connected with the health department.

Sec. 2. The Common Council shall have power to create the office of City Physician.

Article XVI—Revenues and Taxation.

SECTION 1. All taxes, licenses, fines, penalties, and all moneys received from any source, shall constitute the revenues of the city, and shall be collected and paid into the city treasury. Taxes shall be due and payable the first Monday in October. The taxes shall be:

First—A general tax shall be levied on all of the property subject to taxation at noon on the first Monday of March of each year. Said general tax for all purposes of municipal government, exclusive of a tax for schools and library purposes, shall not exceed the sum of one dollar on each one hundred dollars of the assessed valuation of all property subject to taxation. A tax shall be levied on all property assessable for school purposes not to exceed the sum of thirty cents on each one hundred dollars thereof. A tax shall be levied on all property assessable for library purposes not to exceed the sum of ten cents on each one hundred dollars of said assessable property. Also a tax sufficient to meet the interest and principal of a bonded indebtedness against the city and school district falling due or required to be paid. The general tax, and the tax for the interest and principal of the bonded indebtedness shall be on all property subject to taxation for the purpose herein named at noon on the first Monday of March in each year.

Second—A tax not exceeding five dollars on each dog owned or kept in the city.

Third—The tax for the public library shall be kept separate for purposes of the public library.

Fourth—The tax for the interest and principal of the bonded indebtedness shall be kept separately for the payment of the interest or principal thereon.

Fifth—All taxes, of every kind, shall be a lien upon the real estate of the person liable therefor. Such lien takes effect at noon on the first Monday in March.

Sixth—The Common Council shall have power to apportion the revenues of the city into separate and distinct funds, to be used for the purpose of such funds alone. They shall have full power over the revenues and funds of the city.

SEC. 2. The Common Council shall fix the rate of taxes, designating the number of cents on each one hundred dollars of the valuation. They shall fix the amount to be assessed on each dog; they shall fix the rate of tax for general purposes; they shall fix the rate of tax for the public library; they shall fix the rate of tax for school purposes; they shall fix the rate for interest and principal of all bonded indebtedness to be paid. As soon after the Board of Equalization shall have completed their labors as can conveniently be done, the Common Council shall fix the tax rate herein provided for.

Board of Equalization.

SEC. 3. The Common Council shall meet at their usual place of holding meetings on the second Monday of July of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session from day to day until all the returns of the assessor have been rectified. They shall have power to hear complaints and to correct, modify or strike out any assessments made by the assessor, and may, of their motion, raise any assessment upon notice to the party whose assessment is raised. The corrected list for each tax shall be the assessment roll or list for the taxes for said year.

The General Law for Taxes May be Accepted.

SEC. 4. Authority is hereby conferred upon the Common Council, in lieu of the provisions of this charter, or any law or ordinance, to adopt and accept for the assessment and collection of the taxes of the city the general law of the State entitled "An Act to provide for levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State, excepting municipal corporations of the first, second, third, and fourth classes, and cities operating under a charter framed under section eight, article eleven, of the Constitution," approved March second, eighteen hundred and ninety-four, and amendments thereto. The Common Council shall have power by ordinance to adopt, accept, or come under the said general law and amendments thereto, or any similar law or provision which may be passed by the Legislature for the assessment or collection of taxes; and when so adopted it shall be and become valid and binding as the law for the assessment and collection of taxes of the city, any law or ordinance to the contrary notwithstanding; and the Common Council shall pass all ordinances to carry out all of the provisions of such laws, and shall by ordinance provide all things requisite in the premises; and may reduce or abolish any salary or compensation of any officer charged with the duties of assessing and collecting taxes under this charter or under the ordinances of the city.

Incurring of Bonded Indebtedness.

SEC. 5. If at any time the Common Council shall deem it necessary to incur any indebtedness in excess of the money in the treasury applicable to the purposes for which such indebtedness is to be incurred, they shall give notice of an election by the qualified electors of the city, to be held to determine whether such indebtedness shall be incurred. Such notice shall specify the amount of indebtedness proposed to be incurred, the purpose of the same, and the amount of money necessary to be raised annually by taxation for the interest and sinking fund for such purpose, as hereinafter provided. Such notice shall be published for at least two weeks in some newspaper published and circulated in such city. If upon a canvass of the votes cast at such election, it appears that not less than two thirds of all the qualified electors voting at such election, voting on such proposition, shall have voted in favor of incurring such indebtedness, it shall be the duty of the Common Council to pass an ordinance providing for the creating of such indebtedness and of paying the same; and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within a period of not more than twenty years from the time of contracting the same. It shall be the duty of the Common Council in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purposes in addition to the taxes by this charter authorized to be levied. Such tax, when collected shall be kept in the treasury as a separate fund, to be inviolately appropriated to the payment of the principal and interest of such indebtedness. The Common Council shall have power to pass any and all ordinances that may appear to be necessary to carry out the provisions of this section.

SEC. 6. The city shall be limited in the matter of bonded indebtedness to twenty-five per cent of the assessed value of all property within the city limits.

Article XVII—Santa Rosa Free Library.

SECTION 1. The free library shall be under the control and management of five library trustees, who shall be known as the "Board of Free Library Trustees;" they shall be appointed by the Mayor, by and with the consent of the Common Council; the office of Library Trustee shall be honorary, and the members thereof shall serve without salary or compensation. Such trustees shall severally hold office for two years; *provided*, that the members of the first board appointed shall so classify themselves by lot that two of their number shall go out of office at the end of one year, and the other three at the

end of two years. Such appointments shall be made and take effect on the first Tuesday in July, or as soon thereafter as possible. Any person, male or female, over the age of twenty-one years, who is a citizen of the United States, and of this State, and a resident of the city for five years, shall be eligible to become a library trustee. The term of office of library trustee shall be for three years, and until their successors are appointed and qualified.

SEC. 2. The Common Council of the City of Santa Rosa shall levy and collect, as in other cases, annually, a special tax specified by the board of library trustees, at a rate of not more than ten cents on the one hundred dollars, for the purpose of maintaining a free public library and reading-rooms and purchasing such books, journals, and other publications, and leasing such real and personal property as may be necessary therefor. This estimate shall be made on or before the second Tuesday in August of each year.

SEC. 3. All money and revenue paid, collected, or received by authority of, anything herein contained, whether by taxation, and designated as the "library fund," and shall be paid into the city treasury and there kept separate and apart from other funds, and be drawn therefrom as hereinafter provided, but only to be used and applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise, bequest, the board shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise, or bequest.

SEC. 4. All property, real and personal, acquired by gift, devise, bequest, or otherwise, shall vest, be, and remain in the city, and may be protected, defended and sued for by action at law, or otherwise, in the name of the city, as in other cases.

SEC. 5. The Board of Free Library Trustees shall take charge of all property belonging to such library and reading-rooms, or that may be acquired by loan, purchase, gift, devise, or otherwise. The trustees shall meet for business purposes on the first Tuesday of each month, and at such other times as they may appoint, at a place to be provided for the purpose, and a majority of all their number shall constitute a quorum for business. They shall elect one of their number to act as president of their board, and one of their number to act as secretary, who shall keep a full statement and account of all property, money, receipts, and expenditures, and a record and full minutes in writing of all their proceedings.

SEC. 6. Such trustees, by a majority vote of all their members, to be recorded in the minutes, with the ayes and noes at length, shall have power:

First—To make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of such library and reading-rooms, and all property belonging thereto, or that may be loaned, devised, bequeathed, or donated to the same.

Second—To exercise and administer any trust declared or created for such library or reading-room, and to provide memorial tablets and niches to perpetuate the memories of those persons who may make valuable donations thereto.

Third—To define the powers and describe the duties of any and all officers, determine the number and employ all necessary subordinate officers and assistants, and at their pleasure and without previous notice remove any officer or assistant.

Fourth—To purchase necessary books, journals, publications, and other personal property.

Fifth—To order the drawing and payment upon properly authenticated vouchers, duly certified by the president and secretary, of money from out of the library fund for any liability or expenditure herein authorized; and generally to do all that may be necessary to fully carry into effect the provisions of this Act.

Sixth—To fix the salaries of the librarian and assistants, to furnish and equip said rooms and buildings as may be necessary for such library and reading-room.

SEC. 7. The orders and demands of the Board of Free Library Trustees, when duly made and authenticated as above provided, shall be paid by the treasurer of the city out of the Library Fund.

SEC. 8. The trustees of such library and reading-rooms, on or before the first Monday of July of each year, shall make an annual report to the Common Council, giving the condition of their trust, with full statements of all property and money received, whence derived, how used, and expended; the number of books, journals, and other publications on hand, the number added by purchase, gift, or otherwise, during each year, the number lost or missing, the number and character of those loaned, and such other statistics, information, and suggestions as may be of general interest. A financial report showing all receipts and disbursements of money shall also be made by the secretary of the Board of Library Trustees, duly verified.

SEC. 9. The proper municipal authorities shall pass ordinances for the protection of the library and reading-rooms, and all property thereto belonging, and for imposing penalties for the punishment of persons committing injury to such library or reading-rooms, or the property or books thereof, or for failure to return any book or other property belonging thereto.

Article XVIII—Education.

SECTION 1. The jurisdiction of the school department of the said city shall extend to all the territory which is now included in the City of Santa Rosa or "Court-house School District," or which may hereafter be annexed thereto for school purposes. The school department shall be known as the Santa Rosa City School Department.

SEC. 2. The government of the public schools of said city or district is hereby vested in a Board of Education composed of five members to be elected by the voters of the city or district, and they shall hold office for a term of six years; *provided*, that at the first regular election of members of the Board of Education held under the provisions of this charter, five members shall be elected who shall so classify themselves by lot that the term of two of them shall expire in two years, two of them in four years, and one of them in six years. Elections for members of the Board of Education shall be held on the first Saturday of June every two years; the first election under the provisions of this section shall be held on the first Saturday of June, nineteen hundred four. In all other matters the elections for members of the Board of Education shall be governed by the general law of the State regulating elections for trustees in school districts. Any vacancy that may occur in the board shall be filled by the remaining members of the board, to hold until the next regular election. The members of the board shall enter upon their duties on the first Monday of July following their election, on which day, and annually thereafter, the board shall meet and organize by electing one of their number president to serve one year. They shall also elect a secretary of the board. They shall meet for the transaction of business at stated times. Special meetings may be called by the president or three members of the board. The Board of Education of "Court-house School District" in office at the time of the approval and adoption of this charter shall remain in full control of the schools until the new board has been elected and organized.

SEC. 3. The Board of Education shall have power:

One—To establish and maintain public schools, including high schools, technical schools, evening schools, and kindergartens, and to change, consolidate, or discontinue the same; *provided*, that all public schools, including high schools now in operation in said city, are hereby declared legally established.

Two—To employ and dismiss teachers, janitors, school census marshals, and such other persons as may be necessary to carry into effect the powers and duties of the board, and to fix, alter, allow, and order paid their salaries or compensation, and to withhold for good and sufficient cause, all or part of any of said salaries or compensation.

Three—To make all necessary rules and regulations for their own government and for the regulation of the schools, to establish and regulate the grade of schools, to prescribe the course of study, which may be changed or amended at any time, to purchase all necessary library and supplementary books, and to fix the time for the opening and closing of schools.

Four—To provide for the schools all necessary supplies, and to incur such incidental expenses as may be necessary for the welfare of the department.

Five—To build, alter, repair, rent, and provide school-houses, and furnish them with proper furniture, apparatus, and proper school appliances, to insure any and all such school property, and to make such improvements to school buildings and grounds as they may deem best.

Six—To receive, purchase, lease, and hold in fee, in trust for said schools, any and all real estate and any personal property that may have been acquired, or may be hereafter acquired, for the use and benefit of said schools; *provided*, that no real estate shall be bought, sold, or exchanged, or expenditures incurred for the construction of new school-houses, without the consent of four fifths of the members of the board.

Seven—To sue for any and all lots, lands, and property belonging to or claimed by the said school department or district, and to prosecute and defend all actions at all or in equity necessary to recover and maintain the full enjoyment and possession of said lots, lands, and property; and further, to do any and all acts necessary thereto. The city attorney shall serve as attorney for the board.

Eight—To determine annually the amount of school funds, in addition to the amounts received from the State and county, necessary for the maintenance of the public schools of the said city, and for carrying into effect all the provisions regarding the public schools during the ensuing year; and this amount, exclusive of sums required for the payment of outstanding bonds and the interest thereon, so determined by the Board of Education, not exceeding thirty cents on the one hundred dollars valuation, on the assessment roll, shall be reported in writing to the Common Council on or before the second Tuesday of August of each year. The Common Council is hereby authorized and required to levy, and cause to be collected for school purposes, at the time and manner of levying and collecting other city taxes, the amount of taxation so determined and reported by the Board of Education, after making proper allowance for delinquencies.

Nine—To prohibit any child under six years of age from attending public school, except where kindergartens may be established as part of the public school system, in which case children over four may be admitted.

Ten—To admit non-resident children to any department of the schools, at the discretion of the board, upon the payment of such tuition fees that they may determine.

Eleven—To elect a City Superintendent of Schools, who shall be qualified by special training and education to assume expert supervision over the educational matters of the schools, for a term not to exceed four years, and to fix his compensation.

SEC. 4. It shall be the duty of the superintendent to report to the board all matters pertaining to the interests of the schools, with such recommendations as he may deem proper; to visit the various schools, to supervise the instruction and grading of pupils and such other matters as may need his attention; to attend the meetings of the board,

advise them regarding the course of study, text, library, and supplementary books, teachers' qualifications, assignment of teachers, and to perform such other duties as the board may prescribe. He may suspend or expel any pupil for misconduct or violation of rules, reporting such act to the board at their next regular meeting for their approval or disapproval.

SEC. 5. The school funds of the city shall consist of all moneys received from the State and county school funds, of all moneys arising from taxes which shall be levied as provided in this charter, of all moneys arising from the sale, rent, or exchange of any school property, and of such other moneys as may be paid into the school funds, which funds shall be kept separate and distinct from all other moneys, and shall be used for school purposes alone; and if at the end of any school year any surplus remains in the school funds, such surplus shall be carried forward to the school funds of the next school year, and shall be used for no other than school purposes. All moneys collected in accordance with the provisions of this charter shall be paid into the city treasury to the credit of the proper school fund.

SEC. 6. All claims, payable out of the school fund of the city, shall be filed with the secretary of the board. The board shall examine and allow, in whole or in part, every demand payable out of the school funds, or shall reject all or part of any such demands, for good cause, of which the board shall be the sole judge; *provided*, that demands for salaries of superintendent, secretary, teachers, and janitors shall be paid monthly without presentation of claims therefor. Each demand allowed by the board shall be paid by a warrant drawn by the secretary upon the proper school fund, which warrant shall be countersigned by the president.

SEC. 7. Every member of the Board of Education and the Superintendent of Schools may administer oaths on all matters connected with the school department.

SEC. 8. An Act to re-establish "Court-house School District," in the County of Sonoma, approved March thirty, eighteen hundred and seventy-eight, is hereby repealed.

Article XIX—Franchises.

SECTION 1. Except as otherwise provided in the Constitution of the State, or as otherwise provided in this charter, every ordinance involving the granting by the city of any franchise for the supply of light or water, or for the lease or sale of any public utility, or for the purchase of land of more than five thousand dollars in value, or any contract for supplying the city with any commodity running for a period longer than two years, must be submitted to the vote of the electors of the city at the election next ensuing after the adoption of such ordinance. A special election may be called by the Common Council, provided the parties applying for the franchise deposit in the city treasury the estimated cost of said election.

SEC. 2. The ticket used at such election shall contain the words "For the ordinance" (stating the nature of the proposed ordinance), and "Against the ordinance" (stating the nature of the proposed ordinance). If a majority of the votes cast upon such ordinance shall be in favor of the adoption thereof, the Common Council shall, within thirty days from the time of such election, proclaim such fact, and upon such proclamation such ordinance shall have the same force and effect as an ordinance passed by the Common Council and approved by the Mayor.

SEC. 3. No such franchise, or lease, or sale of any public utility, or purchase of land shall be of any force or effect except it be made by ordinance, and such ordinance be adopted by the people as in this section provided.

Article XX—Claims Against the City.

SECTION 1. All bills, claims, and demands against the city shall be plainly stated in writing and verified by the oath of the claimant or some person in his behalf. The items of the claim shall be particularly stated therein. The said claim shall be filed by the City Clerk, who shall present it to the Common Council, and they shall allow or reject the same in whole or in part. No bill, claim, or demand shall be allowed in whole or in part unless so made out and verified. No action shall be commenced against the city unless the said bill, claim, or demand upon which it is founded shall have been first so presented in writing, by filing the same with the City Clerk, nor until two months after such filing. Upon the expiration of said two months, if such claim, bill, or demand, shall not have been allowed, or allowed only in part, and suit shall thereafter be commenced, and no more is recovered against said city, than the amount so allowed, no costs shall be recovered against said city, but said city shall recover costs. If no action shall be commenced within one year after the expiration of said two months, the bill, claim, or demand so filed, of whatever nature, shall be forever barred and incapable of ever being revived in any manner whatsoever.

SEC. 2. Warrants on the treasury shall be drawn by the City Clerk for all bills, claims, or demands allowed by the Common Council, which shall be signed by the Mayor, countersigned by the City Clerk, and shall be numbered and paid in the order of their numbers.

Article XXI—Miscellaneous Provisions.

SECTION 1. Whenever the word "city" occurs in this charter it means the City of Santa Rosa, and wherever any department, board, or officer is mentioned in this charter it means such department, board, or officer, as the case may be, of the City of Santa Rosa.

SEC. 2. The Common Council of the City of Santa Rosa, in office at the time this charter is provided by the Legislature, shall provide for the holding of the first election of officers under this charter, shall canvass the votes, declare the result, and approve the bonds of all officers elected at such election.

SEC. 3. The officers of the city in office at the time of the approval of this charter by the Legislature shall continue to hold office and discharge their duties until the first day in July, nineteen hundred and three, or until their successors are duly qualified.

SEC. 4. This charter shall go into effect for all election purposes on the day of its adoption by the Legislature, and for all other purposes, unless otherwise here provided, on the first day of July, nineteen hundred and three.

SEC. 5. The Chief of Police and Superintendent of Streets and Public Works shall devote their entire time and services to the duties of their respective offices.

SEC. 6. All franchises and privileges heretofore granted by the city which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees or their assigns shall, within one month after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

Miscellaneous Departments.

SEC. 7. All departments of the public service and public works, not in this charter otherwise provided for, shall be under the direction and control of the Common Council, and the Common Council may organize the same, and charge such organizations from time to time as to the Common Council shall seem best. The Common Council shall have power to appoint, promote, suspend, reduce, or dismiss all officers or employees of such departments, fix the powers, duties, and compensation of such officers and employees, prescribe rules and regulations for the government, discipline, and equipment of such departments, and to enforce penalties for the violation of any such rules and regulations; and shall have the power to do anything that may be necessary to maintain said departments in a high state of efficiency.

SEC. 8. The minimum compensation to be paid for labor upon all work performed under the direction, control, or by the authority of the Common Council, is hereby fixed at two dollars per day for eight hours' labor.

SEC. 9. In addition to the officers mentioned elsewhere in this charter as appointive officers the following shall be appointed, viz.: Chief of Police, City Treasurer, Superintendent of Streets and Public Works, and five Library Trustees.

Proposal of the Charter.

WHEREAS, The City of Santa Rosa, a city containing a population of more than three thousand and five hundred and less than ten thousand inhabitants, on the third day of December, in the year of our Lord one thousand nine hundred and one, at a general election held under and in accordance with the provisions of section eight, of article eleven of the Constitution of the State of California, did elect the undersigned a board of freeholders to prepare and propose a charter for said city;

Now, therefore, be it known: That, in pursuance of the Constitution, and within a period of ninety days after such election, the said board of fifteen freeholders has prepared and does propose the above and foregoing charter for said City of Santa Rosa, and it is hereby and hereunder signed in duplicate as and for the charter for the City of Santa Rosa.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, at the City of Santa Rosa, Sonoma County, California, this eighth day of February, A. D. nineteen hundred and two.

THOS. RUTLEDGE, Chairman.

W. D. REYNOLDS.

J. C. MAILER.

NEWTON V. V. SMYTH.

E. E. MORROW.

J. W. JESSE.

D. P. ANDERSON.

W. S. DAVIS.

W. H. LEE.

CHAS. B. KOBES.

J. W. KEEGAN.

J. F. SMITH.

Now therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring (a majority of all the members elected to each house voting for the adoption of this resolution and concurring herein), that said amendment to the charter of the City of Santa Rosa hereinbefore set forth, as presented and submitted to and adopted and ratified by the qualified electors of said city, be and the same is hereby approved as a whole without amendment or alteration for and as the charter of the said City of Santa Rosa.

Assembly Concurrent Resolution No. 12 read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 12 adopted by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Corlett, Curtin, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Rowell, Sanford, Savage, Shortridge, Tyrrell of Nevada, Ward, Williams, and Woodward—23.
NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS.

On motion of Senator Flint, the Senate proceeded to consider the second reading of the special file of Assembly bills.

Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

On motion of Senator Leavitt, passed on file, to retain place.

Assembly Bill No. 261—An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities.

Bill read second time yesterday.

With the following amendment by Senator Leavitt pending:

Add to Section 2, "*and provided further*, that nothing herein contained shall prevent manufacturing pharmaceutical firms from placing their products on the market through their agents and managers, subject to the provisions of Section 3 of this Act."

The question being on the adoption of the pending amendment.

The same was adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 521—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3898a, relating to proceedings for the transfer to the Regents of the University of California of certain public lands acquired by tax sales.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the comma (,) after the word "secretary," in line ten, section one, of printed bill.

Amendment adopted.

Also:

Further amend the bill by striking out the word "for," in line twenty-nine, second page, and inserting in lieu thereof the word "of."

Amendment adopted.

Also:

Strike out the word "of" where it last appears in line twenty-nine, second page, and insert in lieu thereof the word "for."

Amendment adopted.

Also:

Further amend the bill by striking out the final letter "s" appearing in the word "expenses," between the words "the" and "of," in line forty-one, second page.

Amendment adopted.

Bill read second time, ordered to print, and third reading.

Assembly Bill No. 584—An Act to amend the Penal Code of California by adding a new section thereto, to be numbered 537½, relating to defrauding the proprietors or managers of livery or feed stables kept for profit.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 759—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be known and numbered Section 365, relating to corporations and the consolidation of any corporation incorporated under the laws of this State with one or more corporations incorporated under the laws of this State or under the laws of any other State or Territory of the United States having similar objects or purposes, and thereby consolidating their respective properties, capital stock, equipment, adjuncts, franchises, claims, demands, contracts, agreements, obligations, debts, liabilities, and assets, of every kind and description.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 313—An Act to amend Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds," approved March 23, 1893,' approved March 9, 1897," which became a law March 14, 1899.

Bill read second time, and ordered on file for third reading.

THIRD READING OF ASSEMBLY BILL.

Assembly Bill No. 409—An Act to amend the Civil Code by adding an additional section to Chapter II, Title II, to be numbered Section 231, relating to adoption.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 380—An Act to amend Section 791, relating to notaries public, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 380 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Oneal, Pendleton, Ralston, Rowell, Sanford, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 501—An Act relating to justices' courts in cities and counties of more than one hundred thousand population, and providing for the appointment of a justices' clerk and his assistants, prescribing their duties and fixing their compensation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 578—An Act to amend Section 149 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the

appointment of assistants, deputies, clerks, and employes of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employes.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 20—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

During second reading of bill, the following amendment was offered:

By Senator Pendleton:

Amend by striking out of section one, line four, the words and figures "1624. What contracts must be written."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 193—An Act to repeal Sections 2 and 3 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 270—An Act to amend Section 3 of an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said society," approved March 25, 1901.

During second reading of bill, the following amendment was submitted by committee:

Amend line thirteen, section one, first page, printed bill, by inserting after the word "society," the following:

"Said sum shall be paid as follows: Thirty-nine thousand and six hundred and fifty dollars (\$39,650) to the National Bank of D. O. Mills and Company, for the payment of amount due on notes of said society indorsed by directors and officers of said society in office at the time said notes were executed; five thousand and three hundred and fifty dollars (\$5,350) to the National Bank of D. O. Mills and Company for due bills of said society owned and held by said bank. No money appropriated or authorized to be paid by the terms of this Act shall be paid for any other purpose.

"The Controller of the State is hereby directed to draw his warrant for the sums above named, payable to the persons and in the manner herein provided, and the Treasurer is hereby directed to pay the same."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 426—An Act to prevent misrepresentation of conditions of employment, making it a misdemeanor to misrepresent the same, and providing penalties therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 269—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 775—An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 532—An Act to add a new section to the Political Code of the State of California, to be known as Section 1674, providing for the formation of union school districts and the maintenance therein of union schools.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 685—An Act making an appropriation of \$500 for the purpose of carpeting, repairing, and repainting furniture in, and furnishing the office of the Clerk of the Supreme Court in the City and County of San Francisco, State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 542—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles, or jars, making it a misdemeanor, and providing penalties for the violation thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 768—An Act to amend Section 1375 of the Political Code, relating to primary elections.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 27—An Act to enforce the educational rights of children, and providing penalties for violation of the Act.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out all of section five, page four, printed bill, and inserting in lieu thereof the following:

"Sec. 5. It shall be the duty of the attendance officer to arrest during school hours, without warrant, any child between eight and fourteen years of age, found away from his home, and who has been reported to him by the teacher, the superintendent of schools, or other person connected with the school department as a truant from instruction upon which he is lawfully required to attend within the city, or city and county. He shall forthwith deliver the child so arrested either to the parent, guardian, or other person having control or charge of such child, or to the teacher from whom said child is then a truant, or if such child shall have been declared an habitual truant, he shall bring such child before a magistrate for commitment by him to a parental school, as provided in this Act. The attendance officer shall report promptly such arrest, and the disposition made by him of such child, to the school authorities of such city or city and county.

"Any child may be reported as a truant, in the meaning of this Act, who shall have been absent from school without valid excuse more than three days or tardy on more than three days, any absence for a part of a day being regarded as a tardiness.

"Any child who has once been reported as a truant and who is again absent from school without valid excuse one or more days or tardy on one or more days may again be reported as a truant. Any child may be deemed an habitual truant who shall have been reported as a truant three or more times. Any child who has once been an habitual truant and who in a succeeding year is reported as a truant from school one or more days or tardy on one or more days without valid excuse may be again declared an habitual truant."

Amendment adopted.

Also:

Amend by striking out the words in line eight, section six, fourth page, printed bill, "any child shall be deemed irregular in"; also, strike out all of lines, nine ten, and eleven, fourth page, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 646—An Act to amend Section 1103 of the Political Code, relating to preservation of affidavits of registration.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the word "two," in line five, section one, first page, printed bill, and inserting in lieu thereof the word "five."

Amendment adopted.

Also: Amend by striking out the word "two," in line seven, section one, first page, printed bill, and inserting in lieu thereof the word "five."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 662—An Act entitled an Act to amend Section 1239 of the Political Code of the State of California, relating to the rules governing the boards of election, in determining the place of residence of any person entitled to vote therein.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out the words: "Sec. 2," "Sec. 3," "Sec. 4," "Sec. 5," "Sec. 6," "Sec. 7," "Sec. 8," "Sec. 9," "Sec. 10," "Sec. 11," "Sec. 12," in Assembly Bill No. 662, and inserting in lieu thereof the following: "1," "2," "3," "4," "5," "6," "7," "8," "9," "Sec. 2," "Sec. 3."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

ASSEMBLY CONCURRENT RESOLUTION No. 9.

Approving twelve amendments to the Charter of the City of Napa, a municipal corporation in the County of Napa, State of California, submitted to, voted for and ratified by the qualified electors of said City, at a special election held therein for that purpose, on the 16th day of February, 1903.

WHEREAS, The City of Napa, in the County of Napa, State of California, contains a population of over 3500 and less than 30,000 inhabitants and has been ever since the year 1893 and is now, organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article 11 of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election held for that purpose on the 9th day of March, 1893 and approved by the Legislature of the State of California on the 13th day of March, 1893, (Statutes of 1893, page 641,) which charter has never been amended;

AND WHEREAS, The Legislative authority of the said City of Napa did by Ordinance No. 328 of the Ordinance of said City adopted by the City Council of the said City on the first day of December, A. D. 1902 and approved by the Mayor of said City on the said first day of December, A. D. 1902 and pursuant to Section 8 of Article 11 of the Constitution of the State of California duly proposed to the qualified electors of the said City eighteen certain amendments to the charter of the said City of Napa;

AND WHEREAS, Said Ordinance contained said proposed amendments to the said charter was duly published for twenty days after its passage and approval in the Napa Daily Journal and in the Napa Daily Register, daily newspapers of general circulation in the City of Napa;

AND WHEREAS, Said special election was held in the said City of Napa on Monday the 16th day of February, A. D. 1903, which day was more than forty days after said proposed amendments had been published for twenty days, as aforesaid;

AND WHEREAS, On the 17th day of February, 1903 at a meeting of the said Council, duly convened in accordance with law and with the provisions of said charter, and Mayor and Council of the said City of Napa duly and regularly canvassed the returns of said special election so held on the 16th day of February, 1903; twelve of said proposed amendments were ratified by a majority of the electors voting thereon, and six of said proposed amendments were not ratified having received less than a majority of the electors voting thereon;

AND WHEREAS, Said Mayor and said Council after canvassing said returns duly found and declared that twelve of said proposed amendments had been ratified by a majority of the electors voting thereon, and six of said proposed amendments had received less than a majority of the electors voting thereon;

AND WHEREAS, The said twelve proposed amendments so ratified, by the electors of said City at said election are now submitted to the Legislature of the State of California for approval, or rejection without power of alteration, in accordance with the provisions of Section 8 of Article 11 of the Constitution of the State of California;

AND WHEREAS, The said twelve amendments to said charter so ratified by a majority of the electors voting thereon at said election, are in words and figures as follows, to-wit:

SECTION 1. That Section 1 of said charter be amended so as to read as follows:

SECTION 1. The corporation now existing and known as the City of Napa, shall continue and be a body politic and corporate and by that name shall be known and have perpetual succession to sue and defend in all matters, suits and proceedings, in all courts and places and in all matters and proceedings whatever; to make contracts; and may purchase, take, receive, hold and lease real and personal property within and without its corporate limits, for the use of said corporation; and may lease, sell, convey, mortgage and dispose of the same; and may determine and declare what are public

uses, and when the necessity exists of condemning lands therefor and what are the lands it is necessary to condemn; and may receive bequests, gifts and donations of all kinds of property within and without the City, in fee simple or in trust for charitable or other purposes and do all acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease or otherwise dispose of the same, in accordance with the terms of the gift, bequest, donation or trust, and may adopt and use a corporate seal and alter the same at pleasure.

The City of Napa shall continue to have, hold and enjoy all public buildings belonging to the City of Napa, all lands, wharves, waters, property real and personal, rights of property, rights of action, suits, actions, moneys, revenue, income, books, documents, records, archives, claims, demands, and things in possession and in action, of every nature and description.

SEC. 2. That Section Five of the said Charter be amended so as to read as follows:

Section 5. The officers of said City shall be a Mayor, who shall hold office for four years and until his successor is elected and qualified; a City Council, composed of five members who shall hold office for four years and until their successors are elected and qualified; a City Marshal; a City Treasurer; a City Assessor; a City Tax Collector; a City Clerk; a City Attorney; a City Auditor; a City Engineer, and a City Superintendent of Streets, all of whom shall hold office for four years and until their successors are elected or appointed and qualified. An election shall be held every two years, by the qualified electors of the City, on the first Monday in May, for the election of two or three members of the City Council, and every four years by the qualified electors of the City, on the first Monday in May, for the election of a Mayor, an Engineer, who shall be ex-officio Superintendent of Streets; a City Clerk, who shall be ex-officio Treasurer and Tax Collector; a Marshal, who shall be ex-officio Assessor and License Tax Collector, and a City Attorney who shall be ex-officio City Auditor.

SEC. 3. That Section Six of the said Charter be amended so as to read as follows:

Section 6. The first election under this Charter shall be held on the first Monday in May, 1893, at which time a full Council shall be elected, two of whom shall hold office until the first Monday in June, 1895, and until their successors are elected and qualified; and three of whom shall hold office until the first Monday in June, 1897, and until their successors are elected and qualified; and the Council so elected at said first election shall decide by lot the two members that shall hold office until the first Monday in June, 1895, and they shall also decide by lot the three that shall hold office until the first Monday in June, 1897. All officers shall take office at 12 o'clock noon, on the first Monday in June next after their election or appointment except where an officer is elected or appointed to fill a vacancy, in which event he shall take office immediately upon qualifying.

SEC. 4. That Section Seven of the said Charter be amended so as to read as follows:

Section 7. The provisions of the general law of the State of California now in force or hereafter adopted, governing municipal elections, where the same are held separate from the general State and County elections are hereby adopted as the law governing City elections; and the provisions of the general laws of the State of California governing the elections for State and County officers, not inconsistent with the provisions of this Charter or said law governing municipal elections, shall govern City elections in matters for which no provision is made in this Charter or said Municipal Elections Law, and the City Council and City Clerk respectively shall exercise the powers conferred or imposed by such laws on Boards of Supervisors and County Clerks, concerning elections.

The Mayor shall give such notice of election as may be prescribed by ordinance.

The City Council shall appoint Boards of Election, fix their compensation and establish and change polling places.

The City Council, by ordinance, shall establish and may change Election Precincts providing no part of any ward shall be attached to any other ward, or part thereof, in establishing or changing election precincts.

Every person who was a qualified elector at the general State election immediately preceding the holding of any municipal election, and who was registered upon the Great Register of the County of Napa as a qualified elector of any one of the precincts which compose a municipal election precinct, and who continues to reside within the exterior boundaries of such municipal election precinct, until the time of the holding of said municipal election, shall be entitled to vote at said municipal election without other or additional registration. All other persons claiming the right to vote at such municipal election must be registered upon the Great Register of the County of Napa as an elector of and within one of the election precincts comprising the municipal election precinct wherein he claims the right to vote, at least ten days prior to such municipal election, and must reside within the exterior boundaries of such municipal election precinct at the time of the holding such municipal election and for thirty days immediately prior thereto.

At all municipal elections the legal evidence of the right to vote prescribed by law for use at State and County or such municipal elections, shall be used, and any elector legally entitled to vote at any such municipal election, whose name does not appear therein, or in case no other legal evidence is provided therefor, shall be entitled to vote upon producing and filing with the Board of Election a certificate under the hand and seal of the County Clerk of the County of Napa, showing that his name was registered upon the Great Register of the County of Napa at least ten days prior to such election, as a qualified elector of any of the precincts comprising any municipal election precinct, and remains uncanceled thereon, providing he is otherwise entitled to vote.

The election returns from each municipal election precinct shall be filed with the City Clerk. At the next regular meeting succeeding any municipal election the Mayor and City Council shall canvass the returns and declare the result of such election, and direct the City Clerk to issue certificates of election accordingly.

SEC. 5. That Section Eight of the said Charter be amended so as to read as follows:

Section 8. No person shall be eligible to hold any office in the City of Napa, whether filled by election or appointment, unless he is a resident and elector therein, and shall have resided in such City for one year next preceding the date of such election or appointment. And no person shall be eligible to the office of Councilman, who has not resided in such City for one year and in the ward from which he is selected at least six months next preceding his election, and he must continue a resident of such ward during the term of his office, and if he fail to so continue a resident of such ward his office shall, by reason thereof, immediately become vacant.

Any vacancy occurring in any of the offices provided for in this Charter shall be filled by appointment by the City Council, but if such office be elective, such appointee shall hold office only until the next regular municipal election, at which time a person shall be elected to serve for the remainder of such unexpired term.

Each and every officer of the City of Napa shall have power to administer oaths and affirmations relating to any business brought before the City Council, Board of Equalization, Board of Library Trustees, Board of Health, or under consideration by their respective departments.

Every officer collecting or receiving any money belonging to or for the use of the City of Napa, shall settle for the same with the City Auditor on or before the first Monday in each month, and shall immediately thereafter pay the same into the Treasury on the order of the City Auditor for the benefit of the funds to which such moneys respectively belong.

SEC. 6. That Section Nine of the said Charter be amended so as to read as follows:

Section 9. The Mayor and City Council may for cause remove any officer of the City. In any case of removal for cause of any officer, charges and specifications in writing shall be filed with the City Clerk, and a true and correct copy of such charges and specifications shall be forthwith served on the accused, who shall have the right to be heard in his own defense with counsel, and shall be entitled to process to compel the attendance of witnesses in his behalf. In all such cases the charges and specifications must have been served upon the accused at least five days prior to the hearing thereof. When a judgment either sustaining the charges or dismissing them shall be rendered by the City Council, and approved by the Mayor, it shall be final and conclusive.

Any elective officer, except members of the City Council, may be suspended by the Mayor, and removed for cause by the Mayor and City Council for neglect of duty or malfeasance in office. The procedure for removal shall be taken as herein above prescribed, and the charges, specifications, proceedings and final judgment, together with the ayes and nays, shall be entered on the minutes. In the event of removal, the judgment in the case shall be final, and the vacancy thus created shall be filled as in this Charter provided.

SEC. 7. That Section Twelve of the said Charter be amended so as to read as follows:

Section 12. At all meetings of the Council a majority shall constitute a quorum to transact business; a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Council previously, by ordinance, may have prescribed. The Mayor shall preside at all meetings of the Council, but shall be entitled to no vote, except in case of a tie. In the absence of the Mayor at any meeting of the Council, if three members be present, they may choose one of their number as presiding officer of such meeting, who shall retain the right to vote upon all questions under consideration. No ordinance shall be legal or valid unless passed by the votes of at least three members of the Council and approved by the Mayor; *provided*, if the Mayor shall for any cause fail or refuse to approve such ordinance, before the next regular meeting of the Council, such ordinance may be put upon its final passage, and if it receives four votes of the Council in favor of its adoption, it shall become a valid and legal ordinance without such approval. The Council may establish rules for their own proceedings; provide for the punishment of disorderly conduct in their presence, on the part of a member, or other person; shall keep a journal of their proceedings, in which shall be entered the ayes and nays taken on every question acted upon by them, and their proceedings shall be public.

In case of a vacancy, or if by reason of absence from the City, or sickness, or from any other cause, the Mayor is unable to perform the duties of the office, the City Council shall appoint one of their number Mayor pro tem., who shall have all the powers and authority which the Mayor would have possessed, if personally present and attending to such duties, but such Mayor pro tem. shall not lose his vote as Councilman.

The Mayor shall, together with the Chairman of the Finance Committee and the City Auditor, at least once a month, count the cash in the Treasury, and see that it corresponds with the books of the Treasurer, and thereupon make a report in writing of the result of such count to the City Council.

SEC. 8. That Section Thirteen of the said Charter be amended so as to read as follows:

Section 13. All officers of the corporation, before entering upon the duties of their office, shall take the oath prescribed in the Constitution, and the City Marshal, City Assessor, City Treasurer, City Tax Collector, City Auditor, City Engineer and Superintendent of Streets, shall give bonds for the faithful performance of their duties, payable to the corporation by its corporate name, to be approved by the Council, in such penal

sum as shall have been prescribed by ordinance; *provided*, that the City Treasurer shall give one bond only, which shall cover all his duties as both City Treasurer and City Tax Collector; and the City Engineer shall give but one bond only, which shall cover all his duties as both Engineer and Superintendent of Streets; and the City Marshal shall give but one bond only, which shall cover all his duties as both City Marshal and City Assessor. From any cause such bonds shall at any time become insufficient, in the opinion of the Council, they may require any officer to furnish such new or additional bonds as they may deem necessary.

Sec. 9. That Section Sixteen of the said Charter be amended so as to read as follows:

Section 16. The City Treasurer shall, in the months of March and September in each year, cause to be made out a full and correct statement of all moneys received and to whom and for what purpose expended, during the preceding six months, which statement shall be examined and approved by the City Auditor and filed with the City Clerk.

The Mayor may appoint some competent person, expert in matters of bookkeeping and accounts, to examine the books, records, condition and affairs in every department, board or officer, at least once in every four years, and shall enforce such examination.

Any officer refusing to submit to or permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor, and removed, upon charges, as provided by Section 9 hereof. The compensation of such expert must be fixed before the appointment by the City Council.

Sec. 10. That Section Seventeen of the said Charter be amended so as to read as follows:

Section 17. The City Council shall have power:

First - To pass ordinances not in conflict with the Constitution of this State or of the United States or any of the provisions of this Charter.

Second - To manage and take care of the property and finances of the City; to sell, use, lease, control, improve and take care of the real estate and personal property of this City; to make contracts; to purchase, take, receive, hold and lease real and personal property within and without the corporate limits of the City.

Third - To establish, build and repair bridges; to establish, lay out, alter, keep open, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the City, and to drain, sprinkle, oil and light the same; to remove all obstructions therefrom; to establish the grades thereof and enforce conformity thereto; to grade, pave, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or upon any part thereof, and generally to manage and control all such bridges, streets, lanes, alleys, squares, highways and places; to establish, construct and maintain drains and sewers; to provide for the opening and closing and for the repair of drawbridges.

Fourth - To establish and regulate a Fire Department, and provide such means, engines, apparatus, measures or materials for the prevention or extinguishment of fires as they may deem necessary to protect the City from fire; to regulate or prevent the keeping or storing of gunpowder, hay or other dangerous or inflammable substances within the City, or loading or transportation of the same through the streets of the City; to establish fire limits with proper regulations, and to determine the character and height of buildings and structures that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings or structures, or in the repair or alteration of existing buildings within said fire limits; to require the owners and lessees of buildings or other structures to place upon them or in them fire escapes and appliances for protection against and extinguishment of fires; to prevent the construction and to cause the removal of dangerous chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers, apparatus and machinery used in any building in the city; to regulate or prevent the depositing of ashes, or the accumulation of shavings, rubbish, or any combustible material; and to make provisions to guard against fires; to regulate or prohibit the placing of poles and suspending of telephone, telegraph, electric light or power or other wires, along or across any of the streets, alleys or public places of the City; to regulate the entrances to and exits from theatres, lecture rooms, public halls, hotels and churches, and the number and construction of such entrances and exits, and to regulate the placing of chairs, stools or benches in such buildings, and to prohibit the placing of chairs, stools, benches or other obstacles in the aisles thereof.

Fifth - To provide the streets and City buildings with artificial light and water necessary for their proper use; or to contract for the lighting the street and public buildings of the City with gas, electricity or other artificial lights, and for sprinkling or oiling the improved streets of the City—any street that has been graded, curbed and graveled, macadamized or paved, being an improved street within the meaning of this clause—no such contract to be for a longer period than one year, and the same shall be let to the lowest bidder, only after notice calling for bids for such lighting, sprinkling or oiling has been given for at least five days in some daily newspaper published in the City of Napa, or posted for five days on or near the Council Chamber door; to construct, purchase, lease, own, control, maintain and operate, gas and electric or other works, within or without the corporate limits, for supplying the city and its inhabitants with light, heat and power; to construct, purchase, lease, own, control, maintain or operate water works, pipes, pipe lines, aqueducts, reservoirs and hydrant for supplying the City and its inhabitants with water, and for supplying water to such persons who live without the city limits, but along or adjacent to any pipe, pipe line or aqueduct used in supplying the City or its inhabitants with water; to construct, maintain and operate works for supplying the City and its inhabitants with telephonic and telegraph service; to con-

struct maintain and operate street railways and other means of public conveyance, together with all rolling stock, power houses, equipment, appliances and apparatus necessary or proper in the operation, management and control of the same.

Sixth—To improve the rivers and streams flowing through the City of Napa; to widen, straighten and deepen the channels thereof and remove obstruction therefrom; to build, alter, improve, keep in repair and control the water front of said city; to build, alter, improve and keep in repair wharves, and to fix the rates of wharfage and transit, levy dues upon vessels and commodities, and to provide for the collection thereof; to provide for the regulation of berths, landing, stationing and removing of steamboats, sailing vessels, rafts and other water crafts, and to fix the rate of speed at which steamboats may run along the water front of the city.

Seventh—To permit, under such restrictions as they may deem proper, the laying of railroad tracks, and the running of cars, drawn by horses, steam, electricity or other power thereon, and the laying of gas or water pipes in the public streets, and to permit the construction and maintenance of telegraph, telephone and electric light and power lines therein and they shall impose such restrictions and conditions upon the location and construction of gas, electric light and water works and pipes, wires and poles as shall secure the least possible public or private inconvenience; and they shall provide for the enforcement of such restrictions and conditions; and to regulate the use and fix and determine the charges for telephone and telephone service and connection within the city, and the use and sale of gas, electric and other lights in the city; to fix and determine the price thereof as well as the rental price of all gas and electric light meters within the city, and to provide for the inspection of such meters; to regulate the use and sale and distribution of water, and to fix and determine annually, in the month of February, the rates that shall be charged by any person, company, association or corporation for water furnished to the City of Napa, or its inhabitants, or the rent of water meters within the City of Napa, and to provide for the regulation or inspection of such meters.

Eighth—To grant franchises for a term not exceeding twenty-five years for the construction and operation of street railroads, telegraph, telephone and electric light or power lines, and water or gas pipes, pipe lines and mains, with the necessary connections for the construction and operation of gas, electric light and power and water works, provided that no exclusive franchise or privilege and no special privilege shall be granted for any purpose.

Ninth—To license for purposes of regulation and revenue all and every kind of business transacted or carried on in said city, and all circuses, shows, exhibitions and lawful games carried on therein, to fix the rates of license upon the same, and to provide for the collection thereof, by suit or otherwise; to regulate license or prohibit the construction and use of bill boards and signs adjacent to or near the streets, alleys or public places in the city.

Tenth—To prohibit or suppress all houses of ill-fame, all occupations, houses, places of amusement, games, exhibitions and practices which are against good morals or contrary to public order and decency, or dangerous to the public safety.

Eleventh—To levy and collect annually a tax upon all property, real and personal, in said city, which shall be apportioned as follows: A tax for "General Fund," not to exceed forty cents on each one hundred dollars of taxable property, and a tax for a "Street Fund" not to exceed thirty-five cents on each one hundred dollars of taxable property, said "Street Fund" to be used exclusively for repairing, oiling and sprinkling improved streets, and a tax for a "Sewer Fund" not to exceed ten cents upon each one hundred dollars of taxable property, said "Sewer Fund" to be used exclusively for the constructing, repairing and flushing sewers, and a tax for a "Library Fund" not to exceed fifteen cents on each one hundred dollars of taxable property, and to prescribe the manner of making assessments and collecting such tax. Taxes so levied shall become a lien upon the real estate chargeable therewith, from the first Monday in March preceding the levy and until paid, and such lien shall take precedence of all mortgages and other liens, except the lien for State and County taxes. The Council may assess, levy and collect any other taxes that may be authorized by the laws of the State of California. The levy for all purposes for any one year shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property in the City, except a levy for the payment of the bonded indebtedness of the city, and interest thereon, or other special taxes voted by the people.

Twelfth—To impose and collect a tax of not exceeding five dollars per annum on every dog found at large within the corporate limits of the city, which said dog tax shall be collected by the City Marshal; to prevent or regulate the running at large within the city limits of any animals; to establish a pound, and to authorize the destruction or impounding of any animals running at large, and to appoint a Pound Master, or to confer the duties of Pound Master upon the City Marshal and to fix his compensation as such.

Thirteenth—To establish a Board of Health and prescribe their duties; to prescribe rules and regulations therefor, and to make such sanitary regulations as may be requisite to promote public health and comfort; to require all rubbish, slush, brush, debris, decayed animal, vegetable or other offensive matter, standing pools of water, and everything injurious to health to be removed from all lands and premises and from the street in front thereof, by and at the expense of the owners or occupants of such lands or premises, and upon his or their default in causing such removal, after notice to such owner or occupant, to cause the same to be removed, and the expense of such removal shall

become a lien upon such land and premises, and a notice of such lien may be recorded in the office of the Recorder of Napa county; said lien may be enforced in the same manner as provided for the enforcement of liens of mechanics and others upon real property by Chapter II of Title IV, Part III, of the Code of Civil Procedure of this State; to define nuisances, and to prevent, remove and abate the same; to make all regulations which may be necessary and expedient for the preservation of health, and the suppression of disease; to make regulations to prevent the introduction of contagious, infectious or other diseases into the city; to make quarantine laws and regulations, and to enforce them within the city.

Fourteenth—To establish and regulate a Police Department; to appoint one or more policemen, regulate their duties and terms of office, fix their compensation; to establish, maintain and regulate a city prison; *provided*, that until otherwise ordered by the Council, the county jail of the County of Napa shall be the city prison, and the Sheriff of said County shall be the City jailer, with like duties and powers as are imposed upon and vested in him in relation to the prisoners committed to his custody under the Statute, and for the boarding and keeping of said city prisoners he shall be allowed a reasonable compensation, to be determined by the City Council and paid out of the City Treasury, which compensation shall in no case exceed the sum paid by the county for the boarding of prisoners confined in jail under the Statute; to provide for the formation of a chain-gang for persons convicted of breaches or violations of city ordinances, and for their proper employment for the benefit of the city.

Fifteenth—To provide for the punishment by fine or imprisonment or both, of an act prohibited by an ordinance, in which case such act may be prosecuted by the City Attorney, in the name of the People of the State of California, before any Justice of the Peace having his office within the corporate limits of the City of Napa, in like manner as misdemeanors are prosecuted under the Statute, and said Justice's Court shall have jurisdiction over breaches and violations of city ordinances and noncompliance therewith, and the proceeding in such cases shall be in like form as proceedings in criminal cases under the Statute; *provided*, that no fine for any one offense shall exceed one hundred dollars and no judgment of imprisonment for any one offense shall exceed one hundred days; an alternate judgment may be rendered imposing a fine, and on failure to pay the same, imprisoning the person one day for each dollar of such fine; such imprisonment shall be in the city prison; and all fines and penalties imposed and collected in proceedings for the breach of, violation of, or noncompliance with a city ordinance, shall be paid into the City Treasury.

Sixteenth—To regulate the speed of railway engines, cars, and trains passing through the city, and the speed of cars of street railway companies using the public streets of the city, and to require railway companies either to station flagman or place sufficient automatic warning signals and signal bells at street crossings; to require street cars to be provided with fenders or other appliances for the protection of the public; to regulate the speed with which persons may ride or drive or propel bicycles, tricycles, automobiles or other vehicles, along or upon any of the streets or highways of the city.

Seventeenth—To fix, establish and change, by ordinance, the boundaries of the several Wards of the City, whenever it may deem it expedient, making the same as nearly equal in population and as geographically compact as possible, and by no such ordinance shall be passed within ninety days previous to any municipal election.

Eighteenth—In addition to the powers herein given, the Council shall have power to do and perform any and all other acts and things necessary and proper to carry out the provisions of this Charter, and to enact and enforce within the limits of the City of Napa all other local, police, sanitary and other regulations as do not conflict with the general laws of the State of California.

SEC. 11. That Section Twenty-two of the said Charter be amended so as to read as follows:

Section 22. The City Council shall prescribe by ordinance the office hours and duties of the City Marshal, City Assessor, City Treasurer, City Engineer and Superintendent of Streets, City Attorney and City Auditor.

SEC. 12. That Section Twenty-four of the said Charter be amended so as to read as follows:

Section 24. The Free Public Library, heretofore established and now maintained by the city, shall be known as the "Goodman Library," and shall be managed by a Board of Library Trustees, consisting of five members, to be appointed by the Mayor, by and with the consent of the City Council. Such Trustees shall hold office for a term of three years, providing that the members of the present Board of Library Trustees shall hold office until the expiration of their present terms of office.

The Board of Library Trustees shall meet at least once a month at such time and place as they may fix by resolution. Special meetings may be called at any time by three Trustees, by written notice served upon each member at least three hours before the time specified for the proposed meeting. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall appoint one of their number President, who shall serve for one year and until his successor is appointed, and in his absence shall select a President pro tem. The Board shall cause a proper record of their proceedings to be kept.

The Board of Library Trustees shall have power:

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the Goodman Public Library, and all property belonging thereto.

Second—To administer any trust declared or created for such Library, and to receive by gift, devise or bequest and hold in trust or otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such Library.

Third—To prescribe the duties and powers of the Librarian, Secretary and other officers and employes of such Library; to determine the number of and appoint all such officers and employes, and fix their compensation, which said officers and employes shall hold their offices or positions at the pleasure of the Board.

Fourth—To purchase necessary books, journals, publications and other personal property.

Fifth—To purchase such real property, and erect or rent and equip such building or buildings, room or rooms, as may be necessary, when in their judgment a suitable building or portion thereof has not been provided by the legislative body of the municipality for such Library.

Sixth—To require the Secretary of State and other State official to furnish such Library with copies of any and all reports, laws and other publications of the State not otherwise disposed of by law.

Seventh—To borrow books from, lend books to and exchange the same with other Libraries, and to allow non-residents to borrow books upon such conditions as they may prescribe.

Eighth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this act.

The Board of Library Trustees shall, on or before the first Monday in March in each year, make a report to the legislative body of their municipality, giving the condition of the Library on the first Monday in March, together with a statement of their proceedings for the year then ended, and forward a copy thereof to the State Library at Sacramento.

The City Council shall, in making the annual tax levy and as a part thereof, if the maintenance of the Library has not been otherwise provided for, levy a tax for the purpose of maintaining such Library and purchasing property necessary therefor.

The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the Library, shall be apportioned to a fund to be designated the "Library Fund," and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the terms of any such gift, devise or bequest, the Board shall provide for the safety and preservation of the same, and the application thereof to the use of the Library, in accordance with the terms and conditions of such gift, devise or bequest. Payments from said fund shall be ordered by the Board of Library Trustees in the manner provided for the payment of other demands against the municipality.

The Goodman Public Library shall be forever free to the inhabitants and non-resident tax-payers of the city, subject always to such rules, regulations and by-laws as may be established by the Board of Library Trustees.

The Board of Library Trustees may contract for lending the books of such Library to residents of such counties or neighboring municipalities upon a reasonable compensation to be paid by such counties or neighboring municipalities.

The title of all property acquired for the purposes of such Library, when not inconsistent with the terms of its acquisition or otherwise designated shall vest in the municipality in which the Library is, and in the name of the municipal corporation may be sued for and defended by action at law or otherwise.

STATE OF CALIFORNIA,)
COUNTY OF NAPA,) ss.

This is to certify that we, J. A. Fuller, Mayor of the City of Napa, and H. H. Thompson, City Clerk of the said City of Napa, have compared the foregoing proposed and ratified amendments to the Charter of the said City of Napa, with the original ordinance proposing such amendments and submitting them to the qualified electors of said City at a special election called for that purpose on Monday, the 16th day of February, 1903 and find that the foregoing is a full, exact, true and correct copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to the City Charter are, and each of them is, true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of the City of Napa this 20th day of February, 1903.

J. A. FULLER
Mayor of the City of Napa.

Attest:

[SEAL]

H. H. THOMPSON
City Clerk of the City of Napa.

Now therefore be it resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected voting for and concurring herein, that said amendments to the Charter of the City of Napa, as proposed to and adopted and

ratified by the qualified electors of said City, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration for and as amendments to, and as part of the charter of said City of Napa, aforesaid.

Assembly Concurrent Resolution No. 9 read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 9 adopted by the following vote:

AYES—Senators Bauer, Caldwell, Corlett, Diggs, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of Nevada, Ward, Williams, and Woodward—23.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

SECOND READING OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 585—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorney, their appointment and term of office.

During second reading of bill, the following amendment was offered:
By Senator Pendleton:

Amend by inserting after the figures "1901" in section one, line five, first page, the words "is hereby amended."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

At three o'clock and forty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Assembly Bill No. 134—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

During second reading of bill, the following amendments were offered:
By Senator Ward:

Amend by inserting in section one, line three, first page, between the words "animals" and "sold," the following: "guano and animal tankage when sold as such."

Amendment lost.

Also:

Amend by inserting in section four, line nineteen, third page, between the words "of" and "fertilizing," the following: "animal tankage, packing-house by-products, and guano that have not been compounded or blended with other materials that increase or decrease their weight or bulk, nor blended nor compounded with other materials that increase or decrease their fertilizing properties, or to the sales of."

Amendment lost.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 544—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

During second reading of bill, the following amendment was submitted by committee:

Amend in line four hundred and ten, twelfth page, printed bill, by inserting in said line, after the word "revenue," the following: "outside of incorporated cities and towns."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

INTRODUCTION OF RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Luchsinger:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Luchsinger be and is hereby permitted to introduce Senate Joint Resolution No. 15.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Devlin, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Rowell, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—27.

NOES—None.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following joint resolution was introduced:

By Senator Luchsinger: Senate Joint Resolution No. 15—Requesting our Senators and Representatives in Congress to have the battleships of the United States built in the navy yards of the United States.

Referred to Committee on Federal Relations.

BILL RECALLED FROM COMMITTEE AND PLACED ON FILE.

Senator Nelson moved that Assembly Bill No. 517—An Act to amend Section 3423 of the Civil Code of the State of California—be recalled from Committee on Judiciary and placed on file, it being identical with Senate Bill No. 277—An Act to amend Section 3423 of the Civil Code of the State of California, relating to injunctions.

Motion carried.

NOTICE OF MOTION TO RECONSIDER.

Senator Selvage gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 413—An Act to add two new sections to the Code of Civil Procedure, relating to actions for libel and slander, to be numbered 417 and 418—was this day passed.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the special file (Code Revision bills) having been set as a special order for this hour, the same was taken up.

Senate Bill No. 534—An Act to repeal Section 1718 of the Code of Civil Procedure, relating to the appointment of attorneys in proceedings for the settlement of estates of deceased persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 534 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Plunkett, Rowell, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, and Williams—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 535—An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 535 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Plunkett, Rowell, Selvage, Welch, and Williams—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 536—An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to Public Administrators.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 536 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Selvage, Welch, and Williams—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 537—An Act to amend Sections 1747, 1750, 1753, 1758, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807, and 1809, and to repeal Sections 1752 and 1774 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1760, all relating to guardians.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 537 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Welch—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 538—An Act to repeal Title XIII of Part III of the Code of Civil Procedure, and to substitute in place thereof a new Title XIII to take the place thereof in said code, relating to estates of missing persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 538 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Rowell, Shortridge, Tyrrell of San Francisco, Ward, Welch, and Williams—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 539—An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1910, 1915, 1918, 1921, 1922, 1925, 1935, 1937, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1962, 1963, 1968, and 1982, and to repeal Sections 1971, 1972, 1973, and 1974

of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1882, all relating to evidence.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 539 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hubbell, Lardner, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, and Williams—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 540—An Act to amend Sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpoenas.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 540 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Lardner, Leavitt, Lukens, Oneal, Pendleton, Ralston, Rowell, Selvage, Shortridge, Tyrrell of San Francisco, Ward, and Welch—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 541—An Act to amend Sections 2006, 2020, 2021, 2022, 2024, 2025, 2026, 2028, 2031, 2032, 2036, and 2037, and to repeal Sections 2033 and 2034 of the Code of Civil Procedure, all relating to depositions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 541 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Devlin, Flint, French, Lardner, Leavitt, Luchsinger, Oneal, Pendleton, Ralston, Rowell, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, and Williams—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 542—An Act to amend Sections 2012, 2013, and 2014, and to repeal Section 2015 of the Code of Civil Procedure, all relating to affidavits.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 542 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hubbell, Lardner, Leavitt, Oneal, Pendleton, Ralston, Rowell, Selvage, Shortridge, Ward, Welch, and Williams—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 543—An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 543 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Devlin, Diggs, Flint, French, Hahn,

Hubbell, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Shortridge, Ward, Welch, and Williams—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 544—An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 544 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Devlin, Diggs, Flint, Hahn, Knowland, Lardner, Leavitt, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Ward, Welch, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 545—An Act to amend Sections 1021, 1023, 1024, 1025, 1031, 1033, 1036, and 1037, to repeal 1026 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1040, all relating to costs in civil actions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 545 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Nelson, Pendleton, Ralston, Rowell, Sanford, Selvage, Ward, Welch, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 546—An Act to amend Sections 2043 and 2054 of the Code of Civil Procedure, both relating to the examination of witnesses.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 546 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Knowland, Lardner, Leavitt, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Ward, Welch, and Williams—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 646—An Act to amend Section 1034 of the Code of Civil Procedure, relating to costs on appeal.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 646 passed by the following vote:

AYES—Senators Bauer, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Ralston, Rowell, Sanford, Selvage, Ward, Welch, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 681—An Act to amend Section 14 of the Civil Code, relating to definitions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 681 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Lardner, Leavitt, Lukens, Plunkett, Ralston, Rowell, Sanford, Selvage, Ward, Welch, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 682—An Act to amend Sections 47 and 49 of the Civil Code and to add four new sections thereto, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Read third time.

Senator Welch moved to refer to Senator Selvage, as a special committee of one, to amend as follows:

By striking out of section two, lines six and seven, the words "or of a servant from his master."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 682, with instructions to amend, respectfully reports the same back, amended as per instructions.

SELVAGE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 683—An Act to repeal Section 58 and to amend Sections 60, 61, 68, 69, 70, 79½, and 84 of the Civil Code, all relating to marriage.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 683 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hubbell, Lardner, Leavitt, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Williams, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 684—An Act to amend Sections 94, 106, 125, 136, 137, and 146, and to repeal Section 144 of the Civil Code, all relating to divorce.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 684 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Flint, French, Hahn, Knowland, Lardner, Leavitt, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 685—An Act to amend Sections 161, 164, and 170 of the Civil Code, all relating to husband and wife.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 685 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin,

Diggs, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Nelson, Oneal, Plunkett, Rowell, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 687—An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, 255, and 258, and to amend Section 246 of the Civil Code, all relating to guardian and ward.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 687 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hubbell, Knowland, Leavitt, Luchsinger, Pendleton, Ralston, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Joint Resolution No. 11—Memorializing Congress to give consideration to House Bill 11,538, relative to the purchase or condemnation of the principal groves of the California Sequoia gigantea in Calaveras and Tuolumne counties.

Senate Bill No. 594—An Act to prohibit the use of the bristle-bur, tack-bur, or other like devices on horses or other animals in this State.

Senate Bill No. 41—An Act appropriating the sum of \$2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California, for loss of merchandise by the collapse of a portion of pier 9, in the City and County of San Francisco, California.

Senate Bill No. 382—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners.

Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Penal Code" by adding a new section thereto, to be numbered 625a, relating to unlawful interferences with public fire alarms.

Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the amount, character and location of real estate that may be owned or held by corporations whose object is not pecuniary profit.

And report that the same have been correctly enrolled, and presented the same to the Governor on this fourth day of March, 1903, at three o'clock and forty-five minutes P.M.

HUBBELL, Chairman.

CONSIDERATION OF SPECIAL FILE OF CODE REVISION BILLS—(RESUMED).

Senate Bill No. 688—An Act to repeal Title IV of Part III of Division First of the Civil Code, and each and every section of said title, and to substitute a new Title IV to take the place thereof in said code, relating to masters and apprentices.

Read third time.

Senator Sanford moved to refer to Senator Leavitt as a special committee of one, to amend as follows:

Amend by striking out of Section 275, line one hundred and forty-seven, the word "employ."

Also: Amend as follows by striking out of Section 275, lines one hundred and forty-nine and one hundred and fifty, the words "not less than fifty dollars and."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 688, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 689—An Act to amend Sections 299, 301, 302, 303, 304, 309, 310, 311, 312, 314, 315, and 321a of the Civil Code, all relating to corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 689 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Ralston, Rowell, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 690—An Act to amend Sections 322, 323, and 325 of the Civil Code, and to add a new section thereto, to be numbered 328, all relating to stockholders in corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 690 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Tyrrell of San Francisco, Ward, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 691—An Act to amend Sections 360 and 362 and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 691 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Pendleton, Rowell, Savage, Selvage, Shortridge, Ward, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 693—An Act to repeal Section 399 and to amend Sections 400 and 401 of the Civil Code, all relating to the dissolution and extension of corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 693 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Pendleton, Plunkett, Rowell, Savage, Selvage, Shortridge, Ward, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 695—An Act to amend Sections 414, 415, 417, 418, 419 of the Civil Code, and to add a new section thereto, to be numbered 421, all relating to insurance corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 695 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Pendleton, Rowell, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 696—An Act to repeal Sections 427, 431, and 432, and to amend Section 428 of the Civil Code, all relating to fire and marine insurance corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 696 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Oneal, Pendleton, Rowell, Savage, Selvage, Tyrrell of San Francisco, Ward, and Welch—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 697—An Act to amend Sections 437, 447, 449, and 450, and to repeal Sections 444 and 448 of the Civil Code, and to add a new section thereto, to be numbered 452, all relating to mutual life, health, and accident insurance corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 697 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Muentner, Oneal, Pendleton, Rowell, Savage, Selvage, Shortridge, Ward, Williams, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 698—An Act to add a Chapter IV to Title II of Part IV of Division First of the Civil Code, relating to mutual benefit and life associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 698 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Oneal, Pendleton, Plunkett, Rowell, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 699—An Act to add a Chapter V to Title II of Part IV of Division First of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 699 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Oneal, Pendleton, Plunkett, Rowell, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 700—An Act to add a Chapter VI to Title II of Part II of Division First of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 700 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Oneal, Pendleton, Rowell, Savage, Tyrrell of San Francisco, Ward, Williams, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At four o'clock and thirty minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS.

Senate Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties, and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological research.

Read third time.

On motion of Senator Lardner, passed on file, to retain place.

Assembly Bill No. 433—An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 433 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Ralston, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of \$5,880, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of \$8,655, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus the State of California, defendant, numbered 11,875, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 387—An Act to pay the claim of Tirey L. Ford, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 387 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Curtin asked for and was granted unanimous consent to have Senate Bill No. 102 taken up for immediate consideration.

Senate Bill No. 102—An Act to appropriate the sum of \$2,340 to pay the claim of William Fahey for moneys due and owing the said William Fahey from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 102 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of \$3,195, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "M. D. Corey, plaintiff, versus The State of California, defendant," numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of \$1,320, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled "Bank of Commerce, a corporation, plaintiff, versus The People of the State of California, defendant," numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, at page 391.

Bill read second time, and ordered on file for third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Flint asked for and was granted unanimous consent to withdraw Senate Bill No. 46—An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps—and substitute therefor on file Assembly Bill No. 98.

Senate Bill No. 46 withdrawn, and ordered stricken from the file, and Assembly Bill No. 98 substituted therefor on file.

Assembly Bill No. 98—An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School.

Read third time.

Senator Flint moved to refer to Senator Luchsinger, as a special committee of one, to amend as follows:

On page two, section four, line two, printed bill, strike out the word and figures, "July 1, 1903," and insert the following: "its passage."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 179, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and on file for final passage.

Senate Bill No. 323—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 323 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 243—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Senate Bill No. 634—An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCV of the Laws of 1891.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employees of the Senate and Assembly, and by amending Section 4 of Article V, relating to declaring elections of Governor.

HUBBELL, Chairman.

Senate Bills Nos. 243 and 634, and Senate Constitutional Amendment No. 20 ordered on file.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Assembly Bill No. 524—An Act making an appropriation to pay for printing, binding, and ruling, and all other work performed and materials furnished by the State Printing Office to the various State officers, boards, commissions, prisons, schools, hospitals, and other State institutions for the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 524 finally passed by the following vote:

AYES—Senators Bauer, Coggins, Corlett, Diggs, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 201—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

During second reading of bill, the following amendment was offered:
By Senator Corlett:

Amend by striking out of section four, page two of printed bill, the words "This Act shall take effect January first, nineteen hundred and four," and in lieu thereof

inserting the following: "Five thousand dollars of this appropriation shall become available July first, nineteen hundred and three, and the balance January first, nineteen hundred and four."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 158—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction.

Bill read second time, and ordered on file for third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Corlett asked for and was granted unanimous consent to withdraw Senate Bill No. 103—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos in the power-house at the Veterans' Home located at Yountville, Napa County, State of California—and substitute therefor on file Assembly Bill No. 159.

Senate Bill No. 103 withdrawn and ordered stricken from the file, and Assembly Bill No. 159 substituted therefor on file.

Assembly Bill No. 159—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos, and the construction of a new power-house at the Veterans' Home located at Yountville, Napa County, State of California.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out the word "fifteen," section one, in line one, first page, printed bill, and inserting in lieu thereof the word "ten."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Senate Bill No. 6—An Act to provide for the purchase of additional lands for the Napa State Hospital.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 419—An Act authorizing the State Surveyor-General to furnish his office and vault therein, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 419 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, French, Hahn, Hub-

bell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 637—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 637 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 582—An Act to appropriate the sum of \$10,000 for the purpose of equipping the attic of the State Capitol with automatic fire-sprinkler protection, and providing necessary water supplies for same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 582 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Plunkett, Ralston, Rowell, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 634—An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCIV of the Laws of 1891.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 634 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 656—An Act to provide for the preservation, improvement, and maintenance of the "California Redwood Park," in Santa Cruz County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 656 passed by the following vote:

AYES—Senators Bauer, Coggins, Corlett, Curtin, Diggs, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Rowell, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Selvage asked for and was granted unanimous consent to withdraw Senate Bill No. 264—An Act to appropriate \$40,000 out of any money in the State treasury not otherwise appropriated, to permanently drain Lake Earl, in Del Norte County—and substitute therefor on file Assembly Bill No. 694.

Senate Bill No. 264 withdrawn and ordered stricken from the file, and Assembly Bill No. 694 substituted therefor on file.

Assembly Bill No. 694—An Act to provide for locating and surveying a State highway from a point on the Trinity River, in Trinity County, near the Town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Senator Devlin asked for and was granted unanimous consent to withdraw Senate Bill No. 548—An Act to appropriate the sum of \$50,000 for the purpose of putting, as near as possible, the attic and dome of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto, including iron stairs and platform to reach lantern on dome—and substitute therefor on file Assembly Bill No. 297.

Senate Bill No. 548 withdrawn and ordered stricken from the file, and Assembly Bill No. 297 substituted therefor on file.

Assembly Bill No. 297—An Act to appropriate the sum of \$50,000 for the purpose of putting, as near as possible, the attic and dome of the State Capitol in a fire-proof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets; to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto, including iron stairs and platform to reach lantern on dome.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 297 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Hubbell, Knowland, Lardner, Leavitt, Lukens, Pendleton, Plunkett, Ralston, Rowell, Sanford, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, and Woodward—22.
NOES—Senators Flint and Luchsinger—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eight o'clock and fifty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Senate Bill No. 20—An Act to appropriate \$25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Read third time.

Senator Ralston moved to refer to Senator Coggins, as a special committee of one, to amend as follows:

By striking out of section one, line four, the words "in the State."

Also: Amend by inserting the following in the title after the word "California": "and to maintain a forest fire patrol."

Also: In section one, line four, after the word "forestry," add "and to establish a system of forest fire patrol to be under the supervision of the."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 20, with instructions to amend, respectfully reports the same back, amended as per instructions.

COGGINS, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 162—An Act to appropriate the sum of twenty thousand dollars for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 162 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Knowland, Lardner, Leavitt, Lukens, Nelson, Pendleton, Plunkett, Ralston, Sanford, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 47—An Act to establish the California State dairy school and experiment farm, and to appropriate money therefor.

Read third time on previous day.

Senator Rowell moved to refer to Senator Ralston, as a special committee of one, to amend as follows:

On page two, section two, line eight, strike out all after the word "hereof," together with the semicolon, and insert a period.

The question being on the motion to refer to a special committee of one.

The ayes and noes were demanded by Senators Diggs, Tyrrell of Nevada, and Pendleton.

The roll was called, and the motion lost by the following vote:

AYES—Senators Byrnes, Curtin, Flint, Knowland, Plunkett, Ralston, Rowell, and Shortridge—8.

NOES—Senators Bauer, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Sanford, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—21.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 47 passed by the following vote:

AYES—Senators Bauer, Coggins, Corlett, Curtin, Devlin, Diggs, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 345—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California & Oregon Railroad, near the mouth of Slate Creek, in Shasta County; thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth; thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 345 passed by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, French, Hahn, Knowland, Lardner, Leavitt, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Ward, Welch, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 43—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 43 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, French, Hahn, Knowland, Lardner, Lukens, Nelson, Plunkett, Ralston, Sanford, Selvage, Tyrrell of San Francisco, Ward, Welch, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 360—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park, in San Mateo County, State of California, on lands belonging to the University of California, known as the "Flood property," and to appropriate money therefor.

Read third time.

On motion of Senator Byrnes, passed on file, to retain place.

Senate Bill No. 273—An Act for the relief of Charles D. Douglas.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 273 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, French, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 347—An Act to appropriate \$6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 347 finally passed by the following vote:

AYES—Senators Byrnes, Caldwell, Coggins, Corlett, Curtin, Flint, French, Knowland, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Rowell, Savage, Selva, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—21.

NOES—Senators Bauer and Leavitt—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 124—An Act making an appropriation for the support of ex-army nurses, and indigent widows, wives, mothers, and dependent daughters and sisters of Union veterans who served honorably during the Civil War, at the Woman's Relief Corps Home, at Evergreen, Santa Clara County, California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 124 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 10 finally passed by the following vote:

AYES—Senators Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Pendleton, Plunkett, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 23—An Act to establish a poultry experiment station in the County of Sonoma, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 23 finally passed by the following vote:

AYES—Senators Caldwell, Corlett, Curtin, Devlin, Flint, French, Hahn, Hubbell,

Knowland, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Rowell, Sanford, Savage, Shortridge, Ward, Welch, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At nine o'clock and forty minutes P. M., Hon. J. B. Curtin, State Senator from the Twelfth Senatorial District, in the chair.

Senate Bill No. 445—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 445 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Curtin, Devlin, French, Hubbell, Knowland, Lardner, Leavitt, Lukens, Pendleton, Plunkett, Rowell, Savage, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 202—An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904; also, for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 202 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Curtin, Devlin, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Pendleton, Plunkett, Rowell, Savage, Tyrrell of San Francisco, Ward, Williams, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 422—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 423—An Act appropriating money for the purchase of bedding, furniture, and carpets for the use of the Preston School of Industry.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 425—An Act making an appropriation to pay the judgment of \$1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court, entitled John Raggio, plaintiff, versus The State of California, defendant, and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. 3 of judgments of the Superior Court of Calaveras County, page 333.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 479—An Act making an appropriation to pay the judgment of \$370 obtained in the Superior Court of the State of California in and for the County of Amador, on the 6th day of December,

1902, in an action in said court numbered 1822, entered of record on December 6, 1902, in Judgment Book 3, page 501, of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. The State of California, defendant.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 479 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 480—An Act making an appropriation to pay the judgment of \$550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book 3, page 507, of said Superior Court, now held by Wm. Going, plaintiff, vs. The State of California, defendant.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 427—An Act making an appropriation of \$250,000 for the construction of a building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the accommodation of the students of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 427 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, and Williams—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 821—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 364—An Act to appropriate \$2,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9555 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 365—An Act to appropriate \$45 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California,"

numbered 9622 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California in the Superior Court of the State of California in and for the County of Sacramento, on the 6th day of December, 1902, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 390—An Act to appropriate \$500 to pay the claim of Charles Williams against the State of California, upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of the Superior Court of the County of Butte.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 494—An Act to appropriate \$3,670 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California upon a judgment recovered in an action entitled "Commercial Bank of Madera, a corporation, vs. The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 507—An Act to appropriate \$14,320 to pay the claim of the Producers' Bank against the State of California upon a judgment recovered in an action entitled "Producers' Bank vs. The State of California," numbered 4984 upon the register of the Superior Court of Tulare County.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 552—An Act making an appropriation to pay a judgment for the sum of \$6,880, rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, versus The State of California, defendant," numbered 9675, which judgment was entered and recorded on January 10, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at page 29.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 580—An Act making an appropriation to pay a judgment for the sum of \$600, rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled Julia H. Jones, plaintiff, versus The State of California, defendant, numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No. 67 of Department Eight of said Superior Court, at page 575.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 400—An Act to appropriate \$2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled The Farmers' Exchange Bank of San Bernardino vs. The State of California, on the 25th day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 319—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the over-

sight, guidance and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such commission and authorizing the employment of agents, clerks, and other employes, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks, and employes.

Bill read second time, and ordered on file for third reading.

BILL RECALLED FROM COMMITTEE AND RE-REFERRED.

Senator Leavitt moved that Senate Bill No. 665—An Act to amend Sections 3571 and 3572 of the Political Code of the State of California, relating to public lands, be recalled from Committee on Judiciary and re-referred to Committee on Agriculture and Dairying.

Motion carried.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Luchsinger asked for and was granted unanimous consent to have Senate Bill No. 375 taken up for immediate consideration.

Senate Bill No. 375—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 375 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Rowell, Savage, Selvage, Tyrell of San Francisco, Ward, Williams, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Selvage asked for and was granted unanimous consent to have Senate Bill No. 779 taken up for immediate consideration.

Senate Bill No. 779—An Act to amend Section 108 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

During second reading of bill, the following amendments were offered:

By Senator Selvage:

Amend title to read as follows: "An Act to amend Section 168 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and an amendment thereto entitled 'An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto,' approved March 23, 1901.'"

Amendment adopted.

Also:

Amend on page three, line seventy-two, after the word "thereof," by adding the following: "Subdivision fifteen hereof, relating to the salaries and fees of the official shorthand reporter, shall take effect immediately."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senator Nelson asked for and was granted unanimous consent to have Senate Bill No. 330 taken up for immediate consideration.

Senate Bill No. 330—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 330 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Coggins asked for and was granted unanimous consent to have Senate Bill No. 709 taken up for immediate consideration.

Senate Bill No. 709—An Act to repeal Title XI of Part IV of Division First of the Civil Code, and each and every section of said title, and to substitute a new Title XI to take the place thereof in said code, relating to mining corporations.

Read third time.

Senator Coggins moved to refer to Senator Corlett, as a special committee of one, to amend as follows:

Amend Section 588 on page four, line one hundred and two of printed bill, by inserting after the word "California" and before the word "to" the following: "whether such corporation be formed and organized under the laws of the State of California or of any other State, Territory, or foreign country, to keep at some place within the State of California an office and in such office."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 709, with instructions to amend, respectfully reports the same back, amended as per instructions.

CORLETT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senator Lukens asked for and was granted unanimous consent to have Senate Bill No. 392 taken up for immediate consideration.

Senate Bill No. 392—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 2643, relating to the joinder of parties in an action for the recovery of double insurance.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 392 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Flint asked for and was granted unanimous consent to have Senate Bill No. 614 taken up for immediate consideration.

Senate Bill No. 614—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments,"

approved April 1, 1897, and as amended March 23, 1901, by amending Section 47 thereof.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Caldwell asked for and was granted unanimous consent to have Assembly Bill No. 686 taken up for immediate consideration.

Assembly Bill No. 686—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be designated as 177½, relating to the appointment of a deputy by the Treasurers of counties of the twentieth class, and to the amount and payment of the salary of such deputy.

During second reading of bill, the following amendment was offered:
By Senator Caldwell:

Amend by inserting in the title of the Act the following: "and amended March 23, 1901," after the figures "1897."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Senator Lardner asked for and was granted unanimous consent to have Assembly Bill No. 411 taken up for immediate consideration.

Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Bill read second time, and ordered on file for third reading.

Senator Corlett asked for and was granted unanimous consent to have Senate Bill No. 109 taken up for immediate consideration.

Senate Bill No. 109—An Act to amend and re-enact Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home.

Read third time.

On motion of Senator Corlett, passed on file, to retain place.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Senate Bill No. 516—An Act to regulate the work and hours of employes engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Senate Bill No. 247—An Act to provide for the appointment of a county livestock, dairy, food, and sanitary inspector, prescribing his duties, powers, and compensation.

Senate Constitutional Amendment No. 8—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 17 of Article VI thereof, relating to the salaries of Justices of the Supreme Court, and Judges of the Superior Court, and the manner of payment thereof.

Senate Bill No. 657—An Act authorizing the State of California to accept a deed from Henry Cowell of certain land in the County of Mendocino, to be known as "Roland Cowell Park," on certain conditions.

Senate Bill No. 531—An Act to amend Sections 1699 and 1702 of the Code of Civil Procedure, both relating to trustees of the estates of deceased persons.

Senate Bill No. 686—An Act to amend Sections 224, 226, and 227 of the Civil Code, all relating to the adoption of children.

Senate Bill No. 737—An Act to amend Sections 1386, 1387, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

WELCH, Acting Chairman.

Senate Bills Nos. 304, 516, 247, 657, 531, 686, and 737, and Senate Constitutional Amendment No. 8 ordered on file.

ON JUDICIARY—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 485—An Act to repeal Section 772 of the Penal Code of the State of California—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 310—An Act to amend Section 1593 of the Political Code of the State of California.

Also: Assembly Bill No. 806—An Act to amend Section 949 of the Code of Civil Procedure, relating to giving of undertakings and stay of proceedings on appeal to the Supreme Court in certain cases.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Senate Bill No. 609—An Act to amend the Political Code of the State of California by amending Sections 1521 and 1650, relating to the powers and duties of the State Board of Education and of its clerk—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 635—An Act to amend Sections 269, 273, and 274 of the Code of Civil Procedure, all relating to phonographic reporters.

Also: Senate Bill No. 603—An Act adding Section 2630 to the Civil Code of the State of California, relating to insurance.

Also: Senate Bill No. 663—An Act to amend Section 129 of the Civil Code of the State of California, relating to divorces.

Have had the same under consideration, and respectfully report the same back without recommendation.

LUKENS, Chairman.

Assembly Bills Nos. 485, 310, 806, and 635, and Senate Bills Nos. 609, 603, and 663 ordered on file.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Savage asked for and was granted unanimous consent to have Senate Bill No. 549 taken up for immediate consideration.

Senate Bill No. 549—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Bill read second time, and ordered on file for third reading.

Senator Pendleton asked for and was granted unanimous consent to have Senate Bill No. 899 taken up for immediate consideration.

Senate Bill No. 899—An Act amending the Civil Code by adding thereto a new section, number 605, authorizing corporations now or hereafter organized for purposes other than profit to consolidate their debts, property, assets, and franchises.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Leavitt asked for and was granted unanimous consent to have Senate Bill No. 358 taken up for immediate consideration.

Senate Bill No. 358—An Act to amend Section 1576 of an Act entitled "An Act to establish a Political Code in the State of California," approved March 12, 1872, relating to school districts.

Bill read second time, considered engrossed, and ordered on file for third reading.

ADJOURNMENT.

At ten o'clock and thirty minutes P. M., on motion of Senator Ralston, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Thursday, March 5, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—37.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, March 4, 1903, the further reading was dispensed with, on motion of Senator Luchsinger.

APPROVAL OF JOURNAL.

The Journal of Monday, March 2, 1903, having been corrected, was read and approved.

LEAVES OF ABSENCE.

Senator Belshaw was, on motion of Senator Flint, granted leave of absence for the day.

Senator Greenwell was, on motion of Senator Tyrrell of Nevada, granted leave of absence for the day.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Constitutional Amendment No. 18—Relative to amending Article VII of the Constitution, relating to a Board of Pardons and pardons.

Also: Passed Assembly Bill No. 924—An Act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

Assembly Constitutional Amendment No. 18 referred to Committee on Constitutional Amendments.

Assembly Bill No. 924 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 513—An Act creating the office of Public Defender in counties of the first, second, and third class, in the State of California, providing for the appointment and election of some suitable person to fill such office, fixing his duties and compensation, and providing him with assistants and a contingent fund with which to properly carry out the duties thereof.

Also: Assembly Bill No. 794—An Act to provide for the payment to Geo. A. Stone of the funeral expenses of the late Adjutant-General W. H. Seamans, and making an appropriation therefor.

Also: Assembly Bill No. 167—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the admission of attorneys and counselors at law in the courts of the State of California.

Also: Assembly Bill No. 175—An Act requiring operators of street railroads to provide passenger cars with fronts of glass or other material.

Also: Assembly Bill No. 561—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Assembly Bill No. 482—An Act to amend Section 890 of the Code of Civil Procedure, relative to dismissal of actions.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Assembly Bill No. 513 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 794 read first time, and referred to Committee on Finance.

Assembly Bill No. 167 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 175 read first time, and referred to Committee on Corporations.

Assembly Bill No. 561 read first time, and referred to Committee on Finance.

Assembly Bill No. 482 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 379—An Act to amend Section 70, relating to the solemnization of marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Also: Assembly Bill No. 610—An Act making an appropriation of \$52.40 to pay the claim of J. D. Collins, Sheriff of Fresno County, for the transportation of Frank Sutton, taken from Fresno, California, to Eldridge, on January 21, 1899, and for transporting Albert Dunn from Fresno, California, to Eldridge, on January 27, 1899.

Also: Assembly Bill No. 69—An Act making an appropriation to pay the claim of H. C. Frazer for the sum of \$2,520 for unpaid coupons from bonds of the State of California issued pursuant to the Act of the Legislature of said State entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians," approved May 3, 1852.

Also: Assembly Bill No. 227—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Also: Assembly Bill No. 647—An Act to pay the claim of George Williams against the State of California.

Also: Assembly Bill No. 743—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class.

Also: Assembly Bill No. 908—An Act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements.

Also: Assembly Bill No. 455—An Act adding a new section to the Political Code, providing for a private secretary to the Chief Justice of the Supreme Court, and amending Section 739 of the Political Code, relating to officers and attachés of the Supreme Court and their salaries.

Also: Assembly Bill No. 459—An Act to repeal Section 28 of the Penal Code of the State of California, relating to discharge of prisoners on Mondays.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 379 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 610 read first time, and referred to Committee on Finance.

Assembly Bill No. 69 read first time, and referred to Committee on Finance.

Assembly Bill No. 227 read first time, and, on motion of Senator Selvage, was ordered on file without reference to committee, being identical with Senate Bill No. 149.

Assembly Bill No. 647 read first time, and referred to Committee on Finance.

Assembly Bill No. 743 read first time, and referred to Committee on County Government.

Assembly Bill No. 908 read first time, and, on motion of Senator Smith, ordered on file without reference to committee, being identical with Senate Bill No. 771.

Assembly Bill No. 455 read first time, and, on motion of Senator Lukens, ordered on file without reference to committee, being identical with Senate Bill No. 271.

Assembly Bill No. 459 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 901—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Also: Assembly Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties, and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological research.

Also: Assembly Bill No. 563—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Assembly Bill No. 369—An Act to prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children from visiting saloons or public houses for the purpose of gambling, playing cards, billiards, pool, or any game of chance.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 901 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 429 read first time, and referred to Committee on Fruit and Vine Interests.

Assembly Bill No. 563 read first time, and referred to Committee on Finance.

Assembly Bill No. 369 read first time, and referred to Committee on Public Morals.

WITHDRAWAL OF BILLS.

Senator Smith asked for and was granted unanimous consent to withdraw Senate Bill No. 771—An Act authorizing cities, towns, and municipi-

pal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements.

Senate Bill No. 771 withdrawn, and ordered stricken from the file.

Senator Selvage asked for and was granted unanimous consent to withdraw Senate Bill No. 149—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Senate Bill No. 149 withdrawn, and ordered stricken from the file.

BILL RECALLED FROM COMMITTEE AND PLACED ON FILE.

On motion of Senator Bauer, Assembly Bill No. 482—An Act to amend Section 890 of the Code of Civil Procedure, relative to dismissal of actions—was recalled from the Committee on Judiciary, and ordered on file.

RESOLUTIONS.

The following resolutions were offered:

By Senator Wolfe:

Resolved, That the Senate consider the third-reading file of the Senate on this Thursday, the fifth day of March, at morning, afternoon, and evening sessions, except during the time set apart for the consideration of Assembly bills.

Resolution read and adopted.

By Senator Tyrell of Nevada:

WHEREAS, The several codes as supplied to the members were printed in 1899, and do not contain the amendments thereto of 1901; and

WHEREAS, It is necessary in examining said codes to know what amendments have been made since 1899; and

WHEREAS, Code slips containing said amendments can be procured at a small cost; therefore, be it

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby instructed to procure said code slips (forty-five), at a cost not to exceed one dollar per set, payable out of the Contingent Fund of the Senate, and the Controller is hereby authorized to draw his warrant on said fund for the payment thereof, and the Treasurer is hereby authorized to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigation.

Also: Assembly Bill No. 697—An Act to provide for the purchase of fire apparatus and machinery and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Assembly Bill No. 663—An Act making an appropriation to pay the claim of James L. McCarthy against the State of California.

Also: Assembly Bill No. 570—An Act making an appropriation for repairs and improvements at the Industrial Home of Mechanical Trades for the Adult Blind.

Also: Assembly Bill No. 137—An Act entitled an Act to appropriate the sum of \$211.61 to pay the claim of B. A. Johnson for supplies furnished the National Guard of California during the month of July, 1894.

Also: Assembly Bill No. 1—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Also: Assembly Bill No. 86—An Act to appropriate \$410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 93—An Act to appropriate \$4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 94—An Act to appropriate \$640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Also: Assembly Bill No. 95—An Act to appropriate \$460 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 96—An Act to appropriate \$815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Also: Assembly Bill No. 376—An Act to pay the claim of Mrs. A. McGinnes, and making an appropriation therefor.

Also: Assembly Bill No. 87—An Act to appropriate \$4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 88—An Act to appropriate \$1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 89—An Act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 90—An Act to appropriate \$2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 91—An Act to appropriate \$590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 92—An Act to appropriate \$3,835 to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs. The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 562—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Assembly Bill No. 560—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Also: Assembly Bill No. 663—An Act making an appropriation to pay the claim of James L. McCarthy against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 398—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park, in San Mateo County, State of California, on lands belonging to the University of California known as the "Flood property," and to appropriate money therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

Also: Assembly Bill No. 489—An Act making an appropriation of \$6,000 for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

DEVLIN, Chairman.

Assembly Bills Nos. 75, 697, 663, 570, 137, 1, 86, 93, 94, 95, 96, 258, 376, 87, 88, 89, 90, 91, 92, 562, 560, 663, 398, and 489 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 439—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered and known as Section 361a, relating to transfers of the business, franchises, and property of corporations—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUKENS, Chairman.

Senate Bill No. 439 ordered on file.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 776—An Act providing for and authorizing the making of official city maps for the purpose of assessment, or transferring of property by descriptions, as delineated on such maps, and for the re-surveying and re-numbering of blocks, lots, or parcels of land, and fixing the names of streets, avenues, lanes, courts, places, commons, or parks.

Also: Assembly Bill No. 196—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

Also: Assembly Bill No. 396—An Act to amend an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations," approved March 13, 1893, by adding thereto a new section, to be designated as Section 779, relative to the election, in municipal corporations of the fifth class, of a board of fifteen freeholders, to frame a charter for the government of any such municipality.

Also: Senate Bill No. 906—An Act to authorize cities to acquire and operate a joint system or systems of water supply.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

SAVAGE, Chairman.

Senate Bills Nos. 776 and 906, and Assembly Bills Nos. 196 and 396 ordered on file.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 3, 1903.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 811—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 622a, relating to taxation of insurance companies other than life—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

ONEAL, Chairman.

Senate Bill No. 811 ordered on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Byrnes asked for and was granted unanimous consent to have Assembly Bill No. 398 taken up for immediate consideration.

Assembly Bill No. 398—An Act to establish a State dairy school and experimental farm, to be located at Menlo Park, in San Mateo County, State of California, on lands belonging to the University of California, known as the "Flood property," and to appropriate money therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out in line one, section four, page two, printed bill, the word and figures "fifty (50)," and inserting in lieu thereof the word and figures "twenty (20)."

Amendment adopted.

Also:

Add at the end of section four, line seven, printed bill, page two, the following: "The amount hereby appropriated shall not be available until January first, 1904."

Amendment adopted.

Also:

Strike out all of section six, printed bill.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on Wednesday, March 4, 1903, Senator Selvage moved that the vote whereby Senate Bill No. 413—An Act to add two new sections to the Code of Civil Procedure, relating to actions for libel and slander, to be numbered 417 and 418—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Diggs, Flint, French, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—22.

NOES—None.

BILL RE-REFERRED TO COMMITTEE.

On motion of Senator Leavitt, Senate Bill No. 413 was re-referred to Committee on Code Revision.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

The Senate proceeded to consider the daily file.

Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 304 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Curtin, Diggs, Flint, French, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Ralston, Sanford, Selvage, Shortridge, Ward, Williams, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution No. 5—Relative to Venezuela affairs.

On motion of Senator Ward, passed on file, to retain place.

Senate Bill No. 94—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes in the State of California.

On motion of Senator Lukens, passed on file, to retain place.

Senate Bill No. 72—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

On motion of Senator Lukens, passed on file, to retain place.

Senate Bill No. 243—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hahn moved a call of the Senate.

MOTION CARRIED.

Time, eleven o'clock and five minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—36.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and ten minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Curtin.

The roll of absentees was called.

Whereupon the President announced Senate Bill No. 243 passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Hahn, Lardner, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—25.

NOES—Senators Bauer, Devlin, Diggs, French, Knowland, Leavitt, Lukens, Muentner, Ralston, and Tyrrell of San Francisco—10.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 574—An Act to amend an Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 574 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Curtin, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—28.

NOES—Senator Selvage—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Sanford asked for and was granted unanimous consent to withdraw Senate Bill No. 123—An Act to repeal an Act entitled "An

Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872—and substitute therefor on file Senate Bill No. 550.

Senate Bill No. 123 withdrawn and ordered stricken from the file, and Senate Bill No. 550 substituted therefor on file.

SECOND READING OF BILL—(OUT OF ORDER).

Senate Bill No. 550—An Act to amend Section 202 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 23, 1901.

Bill read second time, considered engrossed, and ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 386—An Act to amend Section 1791 of the Political Code of the State of California, relating to city and city and county boards of examination.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 386 passed by the following vote:

AYES—Senators Coggins, Corlett, Curtin, Devlin, Diggs, French, Hahn, Lardner, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—23.

NOES—Senator Rowell—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

BILL RECALLED FROM ASSEMBLY FOR PURPOSES OF AMENDMENT.

Senator Muentner moved that the Secretary be directed to request the Assembly to return Assembly Bill No. 10—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same—to the Senate for the purpose of amendment.

Motion carried.

SUBSTITUTION OF BILLS ON FILE.

On motion of Senator Leavitt, Senate Bill No. 358 was substituted on file for Senate Bill No. 430—An Act to amend Section 4161 of the Political Code, relating to public money in the hands of the County Treasurer.

Senate Bill No. 358—An Act to amend Section 1576 of an Act entitled "An Act to establish a Political Code in the State of California," approved March 12, 1872, relating to school districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 358 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Knowland, Lardner, Leavitt, Lukens, Muentner, Oneal, Plunkett, Ralston, Sanford, Selvage, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—24.

NOES—Senators Curtin, Hubbell, and Rowell—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 151—An Act to amend Sections 10 and 11 of an Act to provide for the organization and management of county fire insurance companies.

On motion of Senator Oneal, passed on file, to retain place.

Senate Bill No. 155—An Act to amend Section 1489 of the Political Code, relating to the powers and duties of Boards of Trustees of the Normal Schools in the State of California.

On motion of Senator Oneal, passed on file, to retain place.

Senate Bill No. 387—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

On motion of Senator Welch, passed on file, to retain place.

Senate Bill No. 516—An Act to regulate the work and hours of selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 516 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Corlett, Devlin, Flint, French, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Plunkett, Savage, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, and Wolfe—23.
NOES—Senators Caldwell, Coggins, Curtin, Diggs, Ralston, Rowell, Ward, and Woodward—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 376—An Act regulating the use of trade-union labels upon printed matter furnished by or for the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Leavitt moved a call of the Senate.

Motion carried.

Time, twelve o'clock and five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Diggs, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—32.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and ten minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the President announced Senate Bill No. 376 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, French, Knowland, Leavitt, Luchsinger,

Muenter, Oneal, Pendleton, Plunkett, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—21.
NOES—Senators Caldwell, Coggins, Curtin, Diggs, Flint, Hahn, Lardner, Lukens, Ralston, Rowell, and Smith—11.

Title read and approved.

Bill ordered transmitted to the Assembly.

EXPLANATION OF VOTE.

The following explanation of his vote on Senate Bill No. 376 was presented by Senator Curtin :

SACRAMENTO, March 5, 1903.

I voted "no" on this bill because it clearly violates Section 21 of Article 1 of the Constitution of this State.

J. B. CURTIN.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Muenter:

Resolved, That Section 2 of Article IV of the Constitution and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Muenter be and is hereby permitted to introduce Senate Bill No. 913.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Pendleton, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—28.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Muenter: Senate Bill No. 913—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River.

Read first time, and ordered on file without reference to committee.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 247—An Act to provide for the appointment of a county live stock, dairy, food and sanitary inspector, prescribing his duties, powers, and compensation.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Rowell moved a call of the Senate.

Motion carried.

Time, twelve o'clock and twenty-five minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll. The roll was called, and the following answered to their names:

Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—32.

The Secretary announced the absentees.

The Sergeant-at-Arms having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At twelve o'clock and twenty-nine minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—31.

Quorum present.

LEAVE OF ABSENCE.

Senator Sanford was, on motion of Senator Tyrrell of San Francisco, granted leave of absence for the day.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—THIRD READING OF BILLS.

Assembly Bill No. 139—An Act to amend an Act entitled "An Act to regulate the practice of veterinary medicine and surgery in the State of California," approved March 23, 1893.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 139 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Corlett, Diggs, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—23.

NOES—Senators Bunkers, Flint, French, and Williams—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 424—An Act forbidding the employment of the inmates of State institutions in the manufacture or production of articles for the use of State officers or the officers and employes of State institutions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 424 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Diggs, Flint, French, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Rowell, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION.

Senator Lukens moved that the Senate take up the consideration of the special file of Assembly bills at the point reached yesterday at the expiration of the time allotted to that file.

Motion carried.

Assembly Bill No. 415—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by omitting from subdivision twenty-one of said Section 25 the provision forbidding the purchase of supplies, printing, stationery, or books from persons or firms whose paper has not been published, or whose place of business established, in the county for one or more years prior to the time for fixing prices, and adding a provision in place of the part omitted that no supplies of printed or lithographed, or partly printed stationery or blanks, or blank books, printed or partly printed or partly lithographed, shall be procured or purchased, unless such articles have been printed and bound or lithographed or will be printed and bound or lithographed and manufactured in the State of California; all job printing and lithographing and advertising under this section shall be done in the State of California.

During second reading of bill, the following amendments were offered:
By Senator Bunkers:

Amend by inserting in line one, first page, printed bill, the word and figure "Section 1"; also, insert the word "Section" and figure "2" before the last line of said bill.

Amendment adopted.

Also:

Amend in line four hundred and eleven, twelfth page, printed bill, by inserting in said line, after the word "license," the following: "outside of incorporated cities and towns."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 703—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 160 thereof, relating to the compensation of officers of counties of the third class.

During second reading of bill, the following amendments were offered:
By Senator Knowland:

Amend section fifteen, line two hundred and ninety, ninth page, printed bill, by inserting after the word "dollars" the following: "provided, that in townships having a population of fifteen thousand and less than nineteen thousand there shall be but one constable."

Amendment adopted.

Also:

Amend by inserting in section fourteen, page eight, printed bill, after the word "actions," in line two hundred and seventy, the following: "*provided*, that in townships containing a population of more than twenty-five thousand, there shall be but one justice in and for such township."

Amendment adopted.

Also:

Amend by striking out the word "require," in line one hundred and ten, page four, subdivision four, section one of printed bill, and inserting in lieu thereof the word "appoint."

Amendment adopted.

Also:

By striking out the word "require," in line one hundred and seventy-nine, page six, and inserting in lieu thereof the word "appoint."

Amendment adopted.

Also:

By striking out the words "of the deputy assessors, copyists, and cashier," in lines one hundred and eighty-five and one hundred and eighty-six, page six.

Amendment adopted.

Also:

By inserting between the words "shall" and "only," in line two hundred and two, page six, the words "make such maps, plats, block books, or assessment rolls, but shall."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 411—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 197 thereof, relating to the salaries and fees of county and township officers in counties of the fortieth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 411 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Knowland, Lardner, Leavitt, Lukens, Oneal, Pendleton, Rowell, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 212—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

During second reading of bill, the following amendments were offered:
By Senator Oneal:

Amend by striking out of section one, line thirteen, page two, the words "where the same is not a charge against his county," and in lieu thereof insert the following: "and all expenses incurred in criminal cases, and also his mileage for service of papers or process issued by any court of this State and all fees for service of papers or process in actions arising outside of his county."

Amendment adopted.

Also :

Amend by striking out of section one all of lines fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, and sixty-six, on page three, and in lieu thereof insert the following:

"13. The county surveyor, the sum of two thousand four hundred dollars per annum; and said surveyor may appoint one assistant surveyor, which said office of assistant surveyor is hereby created, who shall receive as compensation the sum of twelve hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers. All fees now, or which may hereafter be, allowed by law, and which shall be earned by the county surveyor in the official discharge of his duties, shall be paid into the county treasury for the benefit of the county, accompanied with a sworn and itemized statement of such fees earned, on or before the first Monday of each month."

Amendment adopted.

Also:

Amend by striking out of section one all of line nineteen, and in lieu thereof insert the following:

"3. The recorder, eight thousand dollars per annum; and the said recorder may appoint one chief deputy, which said office of chief deputy recorder is hereby created, who shall hold said office of chief deputy recorder for a period of four years from and after his appointment, and who shall receive as compensation the sum of twelve hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers."

Amendment adopted.

Also:

Amend by striking out of section one, page two, all of lines twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, and thirty-two, and inserting in lieu thereof the following:

"8. The assessor, eight thousand seven hundred dollars per annum, and the said assessor may appoint one chief deputy assessor, and one draughtsman for the assessor, which said offices of chief deputy assessor and draughtsman for the assessor are hereby created, who shall hold said offices of chief deputy assessor and draughtsman for the assessor, respectively, for the period of four years from and after their several appointments, and who shall receive as compensation the sum of twelve hundred dollars each, per annum, payable at the same time and in the same manner as the salaries of other county officers. And the assessor may also appoint each year two temporary deputies, who shall serve as such during the months of March, April, May, and June, of the year for which they are appointed, which said offices of temporary deputy assessors are hereby created, who shall receive as compensation the sum of eighty dollars each, per month, during the four months which they shall serve as such deputies, payable at the same time and in the same manner as the salaries of other county officers."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 301—An Act to amend Section 1818 of the Political Code, relating to the duties of Boards of Supervisors levying county school tax.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 701—An Act to provide for the holding of annual conventions of county and city and county supervisors, for the purpose of considering matters of general and special importance to the several county governments.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 692—An Act to prevent the employment of children under the age of fourteen years, and females, in mines and smelters.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 28—An Act to add a new section to the Penal Code and to Title IX, Chapter II thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age, and providing a penalty for the violation of the same.

Bill read second time, and ordered on file for third reading.

At three o'clock and ten minutes P. M., Hon. E. I. Wolfe, State Senator from the Twenty-first Senatorial District, in the chair.

Assembly Bill No. 55—An Act to validate and legalize the retention of fees heretofore retained by the recorders and mining recorders of the various counties of this State for the recording of notices of location of mining claims, and the recording of affidavits of annual expenditure upon such claims, and to provide for their retention hereafter by such officers for such services.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 679—An Act to provide for the care, management, and protection of State highways.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 523—An Act to regulate the use of illuminating gas.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 173—An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions.

Bill read second time, and ordered on file for third reading.

Assembly Constitutional Amendment No. 27—A resolution proposing to the people of the State of California an amendment to Section 8, Article XI of the Constitution of the State of California, relating to charters.

On motion of Senator Lukens, passed on file, to retain place.

Assembly Constitutional Amendment No. 14—To propose to the people of the State of California an amendment to the Constitution of the State, amending Article XI, by adding thereto a new section, to be numbered Section 20, providing a system of direct legislation by means of the initiative and referendum in counties, cities and counties, and cities.

On motion of Senator Lukens, passed on file, to retain place.

Assembly Constitutional Amendment No. 23—To propose to the people of the State of California an amendment to the Constitution of the State amending Article XX, by adding a new section thereto, to be known as Section Number 22, relating to monopolies or combinations by individuals, corporations, or associations, controlling prices, or limiting, or monopolizing, or restricting the number of buyers, dealers, exchangers, sellers, or purchasers.

Assembly Constitutional Amendment No. 23 read.

The question being on the adoption of Assembly Constitutional Amendment No. 23.

The vote was called, and Assembly Constitutional Amendment No. 23 refused adoption by the following vote:

AYES—Senators Bunkers, French, Lardner, Luchsinger, Nelson, Oneal, Pendleton, Savage, Tyrrell of San Francisco, Ward, Welch, Wolfe, and Woodward—13.

NOES—Senators Bauer, Caldwell, Coggins, Corlett, Devlin, Greenwell, Knowland, Lukens, Ralston, Rowell, Selvage, Shortridge, Smith, and Williams—14.

Assembly Constitutional Amendment No. 22—Amending Section 8 of Article XI of the Constitution.

On motion of Senator Pendleton, passed on file, to retain place.

Assembly Bill No. 582—An Act to re-enact Section 681 of the Political Code, relating to the duties of the clerks of Boards of Supervisors, Trustees, Common Council, or other governing board or body of a county, city and county, city or town, or school district in this State, upon the issuance and sale of bonds for any purpose, and decreeing that

the State shall not be required to file a certified check, bond, or other assurance in law upon its application to purchase.

Bill read second time, and ordered on file for third reading.

At three o'clock and twenty-two minutes P. M., Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

Assembly Bill No. 49—An Act to amend Section 211 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the compensation of officers of counties of the fifty-fourth class.

During second reading of bill, the following amendments were offered:
By Senator Selvage:

Amend by striking out of section two, line one, page one, the figure "2" after the word "Sec." and in lieu thereof inserting the figures "211."

Amendment adopted.

Also:

Amend by striking out of section three, line one, page four, the figure "3," and in lieu thereof inserting the figure "2."

Amendment adopted.

Also:

Amend by striking out of section four, line one, page five, the figure "4," and in lieu thereof inserting the figure "3."

Amendment adopted.

Bill read second time, ordered to print and third reading.

Assembly Bill No. 825—An Act to amend Section 1577 of the Political Code of California, relating to the formation of new school districts.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 26—An Act to amend Section 1596 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to elections for school trustees.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 195—An Act to amend the Political Code by adding a new section thereto, to be numbered 3658a, relating to official maps, the making and adoption and preservation thereof, and the description of property as delineated thereon for the purposes of assessment and transfer.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 292—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, numbered 710, providing a procedure by which money or credits of a judgment debtor in the hands of the State of California or a public or municipal corporation or public officer may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 613—An Act to add a new section to the Political Code, to be numbered 1003a, relating to vacancies in office.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 119—An Act to add a new section to the Civil Code, numbered 634a, relating to the capital stock of land and building corporations, also called building and loan associations, to the impairment of such stock and to the insolvency of such associations.

On motion of Senator Lukens, passed on file, to retain place.

Assembly Bill No. 120—An Act to add a new section to the Civil Code, numbered 636a, relating to voluntary withdrawals of stock from land and building corporations, also called building and loan associations.

On motion of Senator Lukens, passed on file, to retain place.

Assembly Bill No. 164—An Act to amend Title XVI of Part IV of Division One of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

On motion of Senator Lukens, passed on file, to retain place.

Assembly Bill No. 592—An Act to amend Section 800 of the Political Code, relating to the qualification of notaries public.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 688—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 517—An Act to amend Section 3423 of the Civil Code of the State of California.

Senator Bauer moved to refer the bill to the San Francisco Delegation. The question being upon the motion to refer.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bauer, French, Leavitt, Muentner, Oneal, Pendleton, Shortridge, Tyrrell of San Francisco, Ward, and Welch—10.

NOES—Senators Bunkers, Caldwell, Coggins, Corlett, Diggs, Flint, Greenwell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Plunkett, Ralston, Rowell, Savage, Selvage, Smith, Tyrrell of Nevada, Williams, Wolfe, and Woodward—22.

The question being, "Shall the bill be read the second time?"

The roll was called, and the motion carried by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Diggs, Flint, Greenwell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Pendleton, Plunkett, Ralston, Rowell, Savage, Ward, Williams, Wolfe, and Woodward—21.

NOES—Senators Bauer, French, Shortridge, Tyrrell of San Francisco, and Welch—5.

TIME OF CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS EXTENDED.

On motion of Senator Nelson, the time for consideration of Assembly bills was extended until the conclusion of consideration of Assembly Bill No. 517.

Senator Shortridge moved to strike out the enacting clause of the bill. Motion lost.

Bill read second time, and ordered on file for third reading.

NOTICE OF MOTION TO RECONSIDER.

Senator Pendleton gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 243 was this day passed.

THIRD READING OF BILLS—(RESUMED).

The consideration of the file for third reading of bills having been set for this hour, the same was taken up.

Senate Bill No. 247—An Act to provide for the appointment of a county livestock, dairy, food and sanitary inspector, prescribing his duties, powers, and compensation.

Read third time on a previous day.

The question being on the passage of the bill, the same being under consideration at the hour of recess, twelve o'clock and thirty minutes of this day, with the roll call pending.

On motion of Senator Leavitt, the roll of absentees was called.

Whereupon the President declared Senate Bill No. 247 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, and Woodward—28.

NOES—Senators Curtin, Flint, French, Sanford, Selvage, Tyrrell of Nevada, and Williams—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 419.

Also: Adopted Assembly Concurrent Resolution No. 13—Relative to the water of the Truckee River.

Also: Passed (as a case of urgency) Assembly Bill No. 970—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 580, relating to banking incorporations.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Assembly Concurrent Resolution No. 13 referred to Committee on Federal Relations.

Assembly Bill No. 970 read first time.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Lukens:

Resolved, That Assembly Bill No. 970 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

SUSPENSION OF THE RULES.

Senator Lukens moved that the rules be suspended for the purpose of considering the resolution.

The question being on the motion to suspend the rules.

The roll was called, and the rules suspended by the following vote:

AYES—Senators Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—27.

NOES—Senators Savage, Tyrrell of San Francisco, and Wolfe—3.

Resolved, That Assembly Bill No. 970 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section

requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Corlett, Curtin, Devlin, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—29.

NOES—Senator Savage—1.

CASE OF URGENCY.

Assembly Bill No. 970—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 580, relating to banking incorporations.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 970 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Coggins, Corlett, Curtin, Devlin, Flint, Greenwell, Hahn, Knowland, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Rowell, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—25.

NOES—Senator Savage—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 15—Requesting our Senators and Representatives in Congress to have the battleships of the United States built in the navy yards of the United States—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

HAHN, Chairman.

Senate Joint Resolution No. 15 ordered on file.

Senator Luchsinger asked for and was granted unanimous consent to have Senate Joint Resolution No. 15 taken up for immediate consideration.

SENATE JOINT RESOLUTION NO. 15.

Requesting our Senators and Representatives in Congress to have the battleships of the United States built in the navy yards of the United States.

WHEREAS, There has been provided by the naval appropriation bill now before Congress for the building of five battleships for the United States Navy; and

WHEREAS, It has been demonstrated that such ships can be built as cheaply and under more skilled workmanship in the navy yards of the United States than in the private yards of the country; and

WHEREAS, There are millions of dollars' worth of the latest improved machinery and equipments lying idle in the various navy yards of the country and at the same time the private concerns are overcrowded with the present government contracts on hand; therefore

Resolved by the Senate, the Assembly concurring, That we request our Senators and Representatives in Congress to use their influence to have the five battleships aforesaid built in the various navy yards of the United States, and that one of these ships shall be built in the navy yard at Mare Island; and further

Resolved, That a copy of these resolutions be immediately forwarded by telegraph to each of our Senators and Representatives in Congress, one to the Secretary of the Navy, and one to the President of the United States.

Joint resolution read.

The question being on the adoption of Senate joint resolution.

The roll was called, and Senate Joint Resolution No. 15 adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Rowell, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—30.

NOES—None.

Joint resolution ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Byrnes:

Resolved, That Section 2 of Article IV of the Constitution, and the provisions of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Byrnes be and he is hereby permitted to introduce Senate Bill No. 914.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Knowland, Lardner, Leavitt, Lukens, Muentner, Oneal, Pendleton, Plunkett, Ralston, Rowell, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—27.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced.

By Senator Byrnes: Senate Bill No. 914—An Act to appropriate the sum of \$5,000 to pay the amount of a judgment against the State of California, and in favor of Robert Y. Hayne, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Bill read first time, and ordered on file without reference to committee.

LEAVE OF ABSENCE.

Senator Curtin was, on his own motion, granted leave of absence until Friday evening, March 6, 1903.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Selvage:

Resolved, That on Friday, March 6th, immediately after the noon recess, and beginning at two o'clock p. m., the Senate proceed to the consideration of the Code Revision file, and remain thereon until afternoon recess; and be it further

Resolved, That the evening session on Friday, March 6th, shall be devoted to third-reading file of Senate bills.

Resolution read and adopted.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 610—An Act to amend Sections 3924 and 3927 of the Political Code of the State of California, relating to the boundary lines between the counties of Placer and El Dorado.

Senate Bill No. 125—An Act to amend "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as Section 335a, and amending Sections 337 and 339, all relating to the time of commencing actions other than for the recovery of real property.

Senate Bill No. 555—An Act defining the time within which employes are entitled to payment for work, labor, or personal service rendered to employers, and relating to contracts waiving or extending such time of payment.

Senate Bill No. 483—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Senate Bill No. 587—An Act to protect the lives and property of the traveling public, and the employes of the railroads in the State of California.

HUBBELL, Chairman.

Senate Bills Nos. 610, 125, 555, 483, and 587 ordered on file.

REPORT OF SPECIAL COMMITTEE ON CONTESTED ELECTION.

The following report of special committee on contested election, Kenney vs. French, was received:

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your special committee, to whom was referred the matter of the contested election case of William J. Kenney vs. Frank French for the seat in the Senate from the Twentieth Senatorial District of the State of California, beg leave to report as follows:

Said committee have had the bills of the contestant and contestee under consideration, and we respectfully recommend that the following expenses be allowed:

<i>To the Contestant.</i>	
For costs and expenses.....	\$45 75
For attorney's fee.....	250 00
Two Justices of the Peace, services as commissioners.....	50 00
<i>To the Contestee.</i>	
To expenses.....	\$45 00
For attorney's fee.....	250 00
To Miss Clara Olmsted, services in Justice Court.....	20 00
To J. A. Vaughan, reporting, five days.....	50 00
To J. A. Vaughan, for transcribing 351 folios.....	70 20
To J. A. Vaughan, copy of same to contestant.....	35 10
To J. A. Vaughan, copy of same to contestee.....	35 10

And your committee respectfully recommend the adoption of the following resolution:
Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of the following-named persons for the sums set opposite their names, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same:

To W. J. Kenney.....	\$295 75
To Frank French.....	365 00
To J. A. Vaughan.....	190 40

Respectfully submitted.

J. G. TYRRELL, Chairman.

Report and resolution read, and referred to Committee on Contingent Expenses and Mileage.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Muentzer:

Resolved, That Senate Bill No. 913 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring

that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and resolution adopted by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Corlett, Devlin, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—27.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 913—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 913 passed by the following vote:

AYES—Senators Bauer, Caldwell, Corlett, Devlin, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Assembly Bill No. 37 taken up for immediate consideration.

Assembly Bill No. 37—An Act amending Section 1874 of the Political Code, providing for the appointment of a permanent committee of the State Board of Education on school text-books, providing for and designating who shall constitute a board to be known as "The State Text-Book Commissioners," authorizing them to revise, compile, and manufacture school text-books, prescribing their duties relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books, providing a royalty fund, authorizing the payment of royalties and the hire of plates of copyright matter, and for the performance of other acts necessary to procure a meritorious uniform series of school text-books, granting powers, subject to the approval of the State Board of Education, to said commissioners to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools, and for district school libraries, prescribing books for use in various branches of study taught in the primary and grammar schools, providing the penalty for failure to use the State series of school text-books, authorizing such commissioners to appoint a secretary, prescribing the duties of such secretary, and fixing his compensation, prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book or a number of books of the State series; providing that the Superintendent of State Printing shall have super-

vision over the mechanical work of printing such text-books; making an appropriation to be known as the text-book appropriation, and specifying the uses to which it may be put, directing of what funds the State School-Book Fund shall consist, and prescribing the use of the moneys in said fund; amending Section 1519 of the Political Code, relating to the State Board of Education and continuing the present law for the distribution of State school text-books.

During second reading of bill, the following amendments were submitted by committee:

Amend by inserting the numeral "1" after the words and figures and period "Section 1874" in line three, printed bill.

Amendment adopted.

Also:

Amend by striking out the word "the" the last word in line two hundred, page seven of printed bill. Also, strike out all of lines two hundred and one, two hundred and two, and that portion of line two hundred and three ending with the word "California" and comma, seventh page, printed bill.

Amendment adopted.

The following amendments were offered:

By Senator Rowell:

Amend by striking out of title, line two, page 1, the word "permanent," and in lieu thereof inserting the word "standing."

Amendment adopted.

Also:

Amend by striking out the words "and for district school libraries," in title, in second and third lines from bottom of first page, printed bill.

Amendment adopted.

Also:

Amend by inserting the numeral "1" after the word and figures "Section 1874," in line three, page two, printed bill.

Amendment adopted.

Also:

Amend by striking out of section one, line eight, page two, the word "permanent," and in lieu thereof inserting the word "standing."

Amendment adopted.

Also:

Amend by striking out the words in line eight, page two, printed bill, after the word "board" down to and including the word "committee" in line fourteen, second page, printed bill, and in lieu thereof inserting the following: "to wit, the Governor, the Superintendent of Public Instruction, and one other member of said State Board of Education as a standing Committee on School Text-books."

Amendment adopted.

Also:

Amend by striking out of section one, line seventy-five, page four, the words "within ten days after organization," and substitute the following: Capital "T" for lower case "t" in same line.

Amendment adopted.

Also:

Amend by striking out the word "the" at the end of line two hundred; also, all of lines two hundred and one, two hundred and two, and in line two hundred and three, to and including the word "California," seventh page, printed bill.

Amendment adopted.

Also:

Amend by striking out of section one, line two hundred and eight, page seven, the period, and in lieu thereof inserting the following: "that may be adopted and published as a book of the State series."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

REPORT OF COMMITTEE ADOPTED.

Senator Shortridge moved that the report of the special committee to investigate the State Board of Pilot Commissioners, printed in the Journal of yesterday, be now adopted.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Senate Bill No. 813—An Act to amend Section 36 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments, approved April 1, 1897,' by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to counties of the thirty-second class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the County Surveyor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOODWARD, Chairman.

Senate Bill No. 813 ordered on file.

ON PUBLIC HEALTH AND QUARANTINE.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your Committee on Public Health and Quarantine, to whom was referred Senate Bill No. 365—An Act to amend Sections 1 and 11 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California and for the appointment of a board of medical examiners in the matter of said regulation," which Act became a law under constitutional provision, without Governor's approval, February 27, 1901—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

BAUER, Chairman.

Senate Bill No. 365 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 4, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 84—An Act to appropriate \$59,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 473—An Act to appropriate \$355 to pay the claim of James French against the State of California, upon a judgment recovered in an action entitled "James French vs. The State of California," which said judgment was rendered December 1, 1902, and recorded on said date in Judgment Book "I" at page 570, in the Superior Court of the County of Placer.

Also: Assembly Bill No. 346—An Act to appropriate \$55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Also: Assembly Bill No. 660—An Act to appropriate the sum of \$550 to pay the claim of M. A. Forster against the State of California, upon a judgment recovered in an action entitled "M. A. Forster vs. The State of California," in the Superior Court of the County of Orange.

Also: Assembly Bill No. 770—An Act authorizing the payment of a judgment in favor of Maggie L. Boyd as administratrix of the estate of John D. Boyd, deceased, heretofore recovered against the State of California in the Superior Court of the State of California, in and for the County of Fresno, on the sixth day of January, 1903, and making an appropriation therefor.

Also: Assembly Bill No. 142—An Act making an appropriation to pay the judgment of \$465 obtained in the Superior Court of the State of California, in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, vs. The State of California, defendant.

Also: Assembly Bill No. 607—An Act to appropriate \$2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Also: Assembly Bill No. 601—An Act to appropriate the sum of \$185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California, in and for the County of Merced.

Also: Assembly Bill No. 600—An Act to appropriate the sum of \$400 to pay the claim of John E. Tucker against the State of California, upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California, in and for the County of Merced.

Also: Assembly Bill No. 597—An Act making an appropriation to pay a judgment for the sum of \$3,840 rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, versus State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at pages 28 and 29.

Also: Assembly Bill No. 872—An Act to appropriate the sum of \$140 to pay the claim of R. P. Marquez, for money due and owing the said R. P. Marquez, based upon a judgment recovered by the said R. P. Marquez against the State of California in the Superior Court of Orange County, California, on the 21st day of April, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891," and regulating the procedure therein," approved March 23, 1901.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DEVLIN, Chairman.

Assembly Bills Nos. 84, 473, 346, 660, 770, 142, 607, 601, 600, 597, and 872 ordered on file.

ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Assembly Bill No. 659—An Act to amend Sections 1895, 1896, 1912, 1913, 1915, 1918, 1922, 1946, 2003, 2004, 2027, to repeal Section 1882, and to add new sections, to be known and numbered as Sections 1979, 2021a, 2022, 2088, 2112, all of and to the Political Code of the State of California, relating to the National Guard, and making it conform to the Federal militia law—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WILLIAMS, Chairman.

Assembly Bill No. 659 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 352—An Act to amend Section 1713 of Article XIII of the Political Code of California, in relation to district libraries—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

ROWELL, Chairman.

Assembly Bill No. 352 ordered on file.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was added Senator Emmons, for the purpose of investigation of the State Pilot Commission of the State of California, beg leave to report as follows:

The bills for the investigation as presented amounted to \$904.25. Of this your committee allowed the following:

To J. A. Vaughan, services as stenographer, 20 per diems	\$200 00
To transcribing 906 folios, 3 copies	362 40
To transcribing report of committee (94 folios, 8 copies)	84 60

H. T. Smith, Sergeant-at-Arms, expenses of four trips to San Francisco, to serve subpoenas, as follows:

Carriage hire	\$11 50
Street car and railroad fare	2 50
Hotel bill	36 00
Telephone and telegraph	7 25

Committee's expenses for the two days in San Francisco, including railroad fare to San Francisco and return, as follows:

R. J. Welch	\$20 00
E. J. Emmons	20 00
J. R. Knowland	20 00
Harry Bunkers	20 00
J. M. Plunkett	20 00
M. L. Ward	20 00
Frank French	20 00
G. H. Williams	20 00
Charles M. Shortridge	20 00
James D. Byrnes	20 00

And your committee recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is authorized to draw his warrant in favor of R. J. Welch for \$904.25, in payment of expenses incurred in the investigation of the Pilot Commission, and the Treasurer is directed to pay the same.

WELCH, Chairman.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Read third time.

Senator Flint moved to refer to Senator Luchsinger, as a special committee of one, to amend as follows:

By inserting in section one, line ten, after the word "years," the following: "and not more than three hundred feet thereof to one lessee."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 520, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

RECESS.

At five o'clock P. M., on motion of Senator Wolfe, the President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—29.

Quorum present.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 557—An Act to amend Section 686 of the Penal Code, relating to the rights of defendant and the evidence that may be used in a criminal action.

Senate Bill No. 380—An Act to amend the Code of Civil Procedure by adding two new sections thereto, to be numbered Sections 466 and 467, respectively, to prevent delay in judicial proceedings.

Senate Bill No. 577—An Act to add a new section to the Political Code, to be numbered 1003a, relating to terms of office.

Senate Bill No. 440—An Act regulating the business of abstracting, searching and certifying to the public records of the several counties of the State of California.

Senate Bill No. 111—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor.

Senate Bill No. 613—An Act to appropriate the sum of \$432.03 to pay the claim of Edward Fanning for money due and owing the said Edward Fanning from the State of California.

Senate Bill No. 795—An Act providing that, in any city or city and county in this State, where by general law or by charter the Board of Police Commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Senate Bill No. 558—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Senate Bill No. 674—An Act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie.

Senate Bill No. 654—An Act to amend Section 3514 of Article IV of the Political Code, relating to public lands.

Senate Bill No. 625—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Senate Bill No. 580—An Act to amend Section 1670 of the Political Code, relating to high schools.

Senate Bill No. 31—An Act to add a new section to the Political Code of the State of California, to be numbered 3575, providing for the withdrawal from redemption from tax sales, and from entry and sale, and for the reservation of public lands, lands deeded to the State for the non-payment of taxes, and other lands owned by the State that are suitable for forestry purposes, and providing for reports by Tax Collectors and the Surveyor-General in relation thereto, and for proclamation of the Governor withdrawing and reserving such lands.

Senate Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to salaries of officers of counties of the third class.

Senate Bill No. 692—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution.

Senate Bill No. 708—An Act to add a new section to the Civil Code, to be numbered 580, relating to statements to be made and notices to be given depositaries of money.

HUBBELL, Chairman.

Senate Bills Nos. 557, 380, 577, 440, 111, 613, 795, 558, 674, 654, 625, 580, 31, 578, 692, and 708 ordered on file.

THIRD READING OF BILLS.

Senate Bill No. 371—An Act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California for the arrest of Josef E. Blanthier, for murder.

Read third time.

Senator Wolfe moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

By striking out of section four all after the number of the section and inserting as follows: "This Act shall take effect July 5, 1905."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 371, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

CONSIDERATION OF ASSEMBLY BILL.

Assembly Bill No. 274—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 368—An Act to amend Section 1665 of the Political Code, relating to branches in instruction in the public schools of this State.

Read third time.

Senator Ward moved to refer to Senator Bauer, as a special committee of one, to amend as follows:

Number last section as Section 2.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 368, with instructions to amend, respectfully reports the same back, amended as per instructions.

BAUER, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 367—An Act to amend Section 1668, relating to physical culture and exercises.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 367 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 427—An Act to amend an Act entitled "An Act to provide for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged, by the Wardens of State Prisons," approved March 27, 1897.

On motion of Senator Luchsinger, passed on file, to retain place.

Senate Bill No. 246—An Act to amend an Act entitled "An Act to protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 246 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Savage, Tyrrell of San Francisco, Ward, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 109—An Act to amend and re-enact Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 109 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Selvage asked for and was granted unanimous consent to withdraw Senate Bill No. 478—An Act to add a new section to the Political Code, to be numbered 3557, relating to the cancellation of taxes on lands resold by the State, where a judgment has been entered annulling the certificate of purchase—and to substitute therefor on file Senate Bill No. 779.

Senate Bill No. 478 withdrawn and ordered stricken from the file, and Senate Bill No. 779—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897—substituted therefor on file.

CONSIDERATION OF ASSEMBLY BILL.

Assembly Bill No. 689—An Act to amend Sections 1036 and 1037 of the Code of Civil Procedure of the State of California, relative to

requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California.

Bill read second time, and ordered on file for third reading.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 571—An Act to authorize the payment of moneys now in the hands of the Governor of the State as Commander-in-Chief of the military forces of the State, received by him from the United States for the payment of amounts due to California U. S. Volunteers of the late war with Spain, under the provisions of an Act of Congress entitled "An Act to reimburse the Governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the volunteer army of the United States in the existing war with Spain," approved July 8, 1898, as amended by an Act of Congress approved March 3, 1899, direct to the heirs of any deceased claimants against such fund without administration.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 571 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Flint, Lardner, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 572—An Act providing for the payment to the California U. S. Volunteers of such amounts as are due them from the date of their assembling to the date of their muster into the United States service or rejection by the medical examiner, making an appropriation for that purpose, and providing for the presentation of a claim to the United States for the repayment of the amount expended under this Act, and for the disposition of any sum of money that may be received from the United States upon such claim.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 572 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Flint, Leavitt, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 591—An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 591 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Hahn,

Lardner, Leavitt, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Pendleton asked for and was granted unanimous consent to withdraw Senate Bill No. 39—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' Bank from the State of California—and substitute therefor on file Senate Bill No. 899.

Senate Bill No. 39 withdrawn and ordered stricken from the file, and Senate Bill No. 899 substituted therefor on file.

Senate Bill No. 899—An Act amending the Civil Code by adding thereto a new section, number 605, authorizing corporations now or hereafter organized for purposes other than profit, to consolidate their debts, property, assets, and franchises.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 899 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Hahn, Lardner, Leavitt, Lukens, Nelson, Oneal, Pendleton, Plunkett, Rowell, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

At nine o'clock P. M. the members of the Committee on Elections, on motion of Senator Nelson, were granted leave of absence for one hour.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 153—An Act to appropriate money to pay the claim of F. W. Moore for blankets supplied the State militia of the State of California during the Spanish-American War.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 153 passed by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Corlett, Diggs, Flint, Hahn, Lardner, Leavitt, Lukens, Nelson, Oneal, Pendleton, Plunkett, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 325—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

On motion of Senator Woodward, passed on file, to retain place.

Senate Bill No. 78—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 78 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Diggs, Flint, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Savage, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 327—An Act to provide for the erection and equipment of an oil-storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 327 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Diggs, Flint, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Savage, Shortridge, Ward, Williams, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 563—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of the State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Read third time.

Senator Shortridge moved to refer to Senator Pendleton as a special committee of one, to amend as follows:

Insert in line twenty-five of section five, after the comma after the word "State," the following: "the petition shall first be presented to the Board of Supervisors of the county in which the greatest portion of lands within the proposed district are situated signed by at least twenty of the property holders of the district, ten (10) from each of the counties to be affected, which petition shall set forth and particularly describe the proposed boundaries of such district, and the other matters required by Section 1 of the Act of which this Act is amendatory, and shall pray for a district to be organized under said Act."

Also: Insert in line forty of section five, after the word "Supervisors," the following: "having obtained jurisdiction as above provided, and."

Also: Strike out in lines forty-four and forty-five of section five the words "one half of the cost and expenses of such improvement," and insert in lieu thereof the following: "its proportion of the costs and expenses of said improvement, which shall not exceed in the case of any county one quarter of the total cost thereof; provided, said amount shall not exceed in any case for any one county the sum of twenty-five hundred dollars. Nothing herein shall authorize the alteration of the boundary lines of any county, and said boundary lines shall remain as they are at present."

Also: Strike out the word "and"; also strike out the letter "t" in the word "thereafter" and insert a capital "T" in lieu thereof in line forty-five of section five.

Also: Strike out from line forty-nine of section five the word "equally."

Also: Strike out from line forty-nine of section five the period after the word "improvement," and insert in lieu thereof, a comma; also add the following at the end of said section: "and the lands within said district in the proportion provided in section ten of this Act."

Also: Insert in line thirteen of section ten after the word "county" the following: "or counties."

Also: Insert in line sixteen of section ten after the word "county" the following: "or counties where more than one."

Also: Insert in line seventeen of section ten, after the word "party" the following: "or parties."

Also: Strike out in line seventeen, section ten, the words "at least" and insert in lieu thereof the words "not exceeding."

Also: Insert in lines seventeen and eighteen, section ten, the following after the word "assessment": "provided, that in no case shall a county be liable for an amount in excess of one-fourth thereof or for any sum greater than twenty-five hundred dollars where there are two or more counties within which said district is formed."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 563, with instructions to amend, respectfully reports the same back, amended as per instructions.

PENDLETON, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 274—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof, to provide the penalty therefor, and to appropriate money to enforce the same.

On motion of Senator Corlett, passed on file, to retain place.

Senate Bill No. 224—An Act to appropriate the sum of \$1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Read third time.

On motion of Senator Savage, passed on file, to retain place.

Senate Bill No. 507—An Act to provide for the licensing and inspection of maternity hospitals, lying-in asylums, and homes for children, defining the duties of persons conducting the same, and the duties and powers of county boards of health or county health officers, and other health officers in relation thereto, and providing a penalty for the violation of its provisions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 507 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Diggs, Flint, Knowland, Lardner, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Savage, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Flint asked for and was granted unanimous consent to withdraw Senate Bill No. 428—An Act making an appropriation of \$500 for the purpose of carpeting, repairing, and repainting furniture in and furnishing the office of the Clerk of the Supreme Court in the City of San Francisco—and substitute therefor on file Assembly Bill No. 685.

Senate Bill No. 428 withdrawn and ordered stricken from the file, and Assembly Bill No. 685 substituted therefor on file.

Assembly Bill No. 685—An Act making an appropriation of \$500 for the purpose of carpeting, repairing, and repainting furniture in and furnishing the office of the Clerk of the Supreme Court in the City and County of San Francisco, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 685 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Diggs, Flint, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Savage, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF SENATE JOINT RESOLUTION AND SUBSTITUTION OF BILL.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Joint Resolution No. 12—Relative to a bill pending in the Congress of the United States establishing a library post—and to substitute therefor on file Senate Bill No. 440.

Senate Joint Resolution No. 12 withdrawn and ordered stricken from the file, and Senate Bill No. 440 substituted therefor on file.

Senate Bill No. 440—An Act regulating the business of abstracting, searching, and certifying to the public records of the several counties of the State of California.

On motion of Senator Lukens, passed on file, to retain place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Welch asked for and was granted unanimous consent to withdraw Senate Bill No. 387—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates—and to substitute therefor on file Senate Bill No. 557.

Senate Bill No. 387 withdrawn and ordered stricken from the file, and Senate Bill No. 557 substituted therefor on file.

Senate Bill No. 557—An Act to amend Section 686 of the Penal Code, relating to the rights of defendant in a criminal action.

Read third time.

On motion of Senator Welch, passed on file, to retain place.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 359—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Sections 10, 12, 14, 15, 19, and 25; repealing Sections 16, 17, 18, and adding a new section, to be numbered and designated Section 22½.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 359 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Diggs, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Oneal, Pendleton, Ralston, Savage, Smith, Tyrrell of San Francisco, Ward, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 423—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the fees and salaries of certain county officers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 423 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Corlett, Diggs, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Savage, Smith, Tyrrell of San Francisco, Ward, Welch, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Wolfe asked for and was granted unanimous consent to withdraw Senate Bill No. 198—An Act relating to justices' courts in cities and counties of more than one hundred thousand population, and providing for the appointment of a justices' clerk and his assistants, prescribing their duties and fixing their compensation—and to substitute therefor on file Senate Bill No. 598.

Senate Bill No. 198 withdrawn and ordered stricken from the file, and Senate Bill No. 598 substituted therefor on file.

Senate Bill No. 598—An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 598 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Corlett, Diggs, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Savage, Smith, Tyrrell of San Francisco, Ward, Welch, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF CONSTITUTIONAL AMENDMENT AND SUBSTITUTION OF BILL.

Senator Pendleton asked for and was granted unanimous consent to withdraw Senate Constitutional Amendment No. 12—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 17 of Article VI thereof, relating to the compensation of Justices of the Supreme Court and of Judges of the Superior Court—and to substitute therefor on file Senate Bill No. 660.

Senate Constitutional Amendment No. 12 withdrawn and ordered stricken from the file, and Senate Bill No. 660 substituted therefor on file.

Senate Bill No. 660—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out the figures "1895" in line one hundred and one, section one, printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Concurrent Resolution No. 15—Relative to the consent of the Legislature to absence from the State of State Senator C. W. Pendleton for a period not to exceed six months—and report that the same has been correctly enrolled, and presented the same to the Governor on this fifth day of March, 1903, at eight o'clock and fifty minutes P. M.

HUBBELL, Chairman.

CONSIDERATION OF CONSTITUTIONAL AMENDMENTS.

Senate Constitutional Amendment No. 18—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 2 of Article IV thereof, relative to the sessions of the Legislature.

On motion of Senator Bunkers, passed on file, to retain place.

Senate Constitutional Amendment No. 17—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 23 of Article IV thereof, relative to the compensation of members of the Legislature.

On motion of Senator Bunkers, passed on file, to retain place.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 522—An Act to amend the Penal Code of the State of California by adding one new section to Title X thereof, relative to public nuisance, said section to be numbered 370½.

On motion of Senator Ralston, passed on file, to retain place.

CONSIDERATION OF CONSTITUTIONAL AMENDMENT.

Senate Constitutional Amendment No. 13—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature, and by amending Section 4 of Article V thereof, relating to declaring elections of Governor.

On motion of Senator Lardner, passed on file, to retain place.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 617—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding

a new section thereto, to be numbered 883½, relating to trial by jury in justices' courts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 617 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Diggs, Flint, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Ralston, Rowell, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 651—An Act to pay the claim of James T. Boyd.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 651 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Diggs, Flint, Hubbell, Knowland, Lardner, Lukens, Oneal, Pendleton, Ralston, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 616—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations, and to the increase or diminution of the capital stock of corporations, and to the creation or increase of bonded indebtedness of corporations, and to the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 616 passed by the following vote:

AYES—Senators Bauer, Bunkers, Coggins, Corlett, Diggs, Flint, Hubbell, Knowland, Lardner, Lukens, Oneal, Pendleton, Ralston, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 674—An Act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 674 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Diggs, Flint, Knowland, Lardner, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 786—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 786 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Diggs, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Pendleton, Ralston, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Williams, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 622—An Act entitled "An Act establishing and declaring the populations of the counties of the State of California."

Read third time.

On motion of Senator Leavitt, passed on file, to retain place.

Senate Bill No. 610—An Act amending Sections 3924 and 3927 of the Political Code of the State of California, relating to the boundary lines between the counties of Placer and El Dorado.

On motion of Senator Lardner, passed on file, to retain place.

At ten o'clock and five minutes P. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

Senate Bill No. 555—An Act defining the time within which employes are entitled to payment for work, labor, or personal services rendered to employers, and relating to contracts waiving or extending such time of payment.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 555 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Diggs, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, and Williams—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Ward gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 555 was this day passed.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 562—An Act to declare the Associated Press and all other associations, companies, and corporations of a similar nature common carriers, and to provide penalties for discrimination between patrons thereof, or persons desiring to become patrons thereof.

On motion of Senator Knowland, passed on file, to retain place.

Senate Bill No. 205—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer, or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence.

On motion of Senator Oneal, passed on file, to retain place.

Senate Bill No. 431—An Act to appropriate \$500 to pay the claim of W. C. Van Fleet for services rendered by him as an attorney-at-law for the State Board of Examiners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 431 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Devlin, Diggs, Flint, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Ralston, Rowell, Savage, Selva, Smith, Tyrrell of San Francisco, Ward, and Williams—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 45—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

On motion of Senator Hahn, passed on file, to retain place.

ADJOURNMENT.

At ten o'clock and fifteen minutes P. M., on motion of Senator Flint, the acting President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Friday, March 6, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Rowell, Savage, Shortridge, Smith, Ward, Williams, and Woodward—27.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, March 5, 1903, the further reading was dispensed with, on motion of Senator Luchsinger.

APPROVAL OF JOURNAL.

The Journal of Tuesday, March 3, 1903, having been corrected, was read and approved.

LEAVE OF ABSENCE.

Senator Belshaw was, on motion of Senator Flint, granted leave of absence for the day.

At ten o'clock and ten minutes A. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 15—Requesting our Senators and Representatives in Congress to have the battleships of the United States built in the navy yards of the United States.

Also: Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Article XIII of the State Constitution by adding thereto a new section, to be numbered 13½, relative to exemption of shipping from taxation.

Also: Assembly Concurrent Resolution No. 14—Relative to the consent of the Legislature to absence from the State of Assemblymen John G. Mattos, Jr., Grove L. Johnson, and William H. Waste for a period not to exceed six months.

CLIO LLOYD, Chief Clerk.

By F. W. HEATHERLY, Assistant.

Senate Joint Resolution No. 15 ordered to enrollment.

Senate Constitutional Amendment No. 11 ordered to enrollment.

Assembly Concurrent Resolution No. 14 ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 886—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of a seawall and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Assembly Bill No. 886 read first time, and, on motion of Senator Wolfe, ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 468—An Act to provide for the payment by the State, or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies—and respectfully request your honorable body to concur in the amendments.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 468?"

ASSEMBLY AMENDMENTS.

Amend by striking out the period (.) after the word "bond," in line six of printed bill, and adding the following: "*and provided further, that this Act shall not apply to notaries public.*"

Also: Amend by striking out the word "procuring" in line one of printed bill.

The roll was called, and the Assembly amendments to Senate Bill No. 468 concurred in by the following vote:

AYES—Senators Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Rowell, Selva, Smith, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—24.

NOES—None.

Senate Bill No. 468 ordered to enrollment.

At ten o'clock and thirty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 802—An Act to amend Section 201 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by providing for the expenses of the Sheriff in civil and criminal cases.

Also: Assembly Bill No. 863—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 190 thereof, relating to counties of the thirty-third class.

Also: Assembly Bill No. 864—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 192 thereof, relating to counties of the thirty-fifth class.

Also: Assembly Bill No. 856—An Act to amend Section 207 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relative to the compensation of officers of the counties of the fiftieth class.

Also: Assembly Bill No. 955—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Also: Assembly Bill No. 858—An Act to amend Section 36 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relative to counties of the third class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the County Surveyor.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Assembly Bill No. 802 read first time, and referred to Committee on County Government.

Assembly Bill No. 863 read first time, and referred to Committee on County Government.

Assembly Bill No. 864 read first time, and referred Committee on County Government.

Assembly Bill No. 856 read first time, and referred to Committee on County Government.

Assembly Bill No. 955 read first time, and referred to Committee on County Government.

Assembly Bill No. 858 read first time, and referred to Committee on County Government.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 604—An Act to amend Section 1791 of the Political Code of the State of California, relating to city and county boards of examination.

Also: Assembly Bill No. 605—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

Also: Assembly Bill No. 199—An Act to amend Section 627 of the Penal Code, relating to the preservation of game.

Also: Assembly Bill No. 629—An Act to appropriate the sum of \$257.05 to pay the claim of Dr. C. H. Blemmer for money due and owing the said Dr. C. H. Blemmer from the State of California.

Also: Assembly Bill No. 154—An Act to appropriate the sum of \$15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Also: Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

Also: Assembly Bill No. 531—An Act making an appropriation of \$5,000 to pay the claim of Frank H. Short for legal services rendered the State.

Also: Assembly Bill No. 509—An Act entitled an Act to amend Subdivision 9 of Section 162 of an Act entitled an Act to establish a uniform system of county and township government, relating to the office of county detective, creating the same and fixing the salary thereof.

Also: Assembly Bill No. 795—An Act to amend an Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 47 thereof.

Also: Assembly Bill No. 878—An Act to amend Section 166 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 604 read first time, and referred to Committee on Education.

Assembly Bill No. 605 read first time, and referred to Committee on Education.

Assembly Bill No. 199 read first time, and referred to Committee on Fish and Game.

Assembly Bill No. 629 read first time, and ordered on file without reference to committee.

Assembly Bill No. 154 read first time, and ordered on file without reference to committee.

Assembly Bill No. 241 read first time, and referred to Committee on Finance.

Assembly Bill No. 531 read first time, and referred to Committee on Finance.

Assembly Bill No. 509 read first time, and referred to Committee on County Government.

Assembly Bill No. 795 read first time, and ordered on file without reference to committee.

Assembly Bill No. 878 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as a case of urgency, Senate Bill No. 913—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

CLIO LLOYD, Chief Clerk.
By F. W. HEATHERLY, Assistant.

Senate Bill No. 913 ordered to enrollment.

MESSAGE FROM THE GOVERNOR.

The following message from the Governor was taken up and read, and ordered printed in the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 4, 1903. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 253—An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks.

Also: Senate Bill No. 257—An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant.

Also: Senate Bill No. 241—An Act to amend Sections 2293, 2295, and 2298 of the Political Code, relating to the State Library.

Also: Substitute for Senate Bill No. 87—An Act to amend Section 2696 of the Political Code, and to add a new section, to be numbered 2643a, relating to roads and highways.

GEO. C. PARDEE,
Governor of the State of California.

RESOLUTION.

The following resolution was offered :

By Senator Ward :

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senators Ward, Knowland, and Devlin be and are hereby permitted to introduce Senate Bills Nos. 915, 916, 917, and 918.

Resolution read.

The question being on the adoption of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Knowland moved a call of the Senate.

Motion carried.

Time, ten o'clock and forty-five minutes A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names :

Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Devlin, Diggs, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Ralston, Rowell, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—26.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and forty-eight minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Wolfe.

The roll of absentees was called.

Whereupon the President pro tem. announced the resolution adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Ralston, Rowell, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—27.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bills were introduced:

By Senator Ward: Senate Bill No. 915—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Bill read first time, and ordered on file without reference to committee.

By Committee on Banking: Senate Bill No. 916—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

Bill read first time, and ordered on file without reference to committee.

Also: Senate Bill No. 917—An Act to add four new sections to the Civil Code, to be numbered 581, 582, 583, and 583a, relating to banks and banking.

Bill read first time, and ordered on file without reference to committee.

By Senator Devlin: Senate Bill No. 918—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2524a, relating to the powers of the Board of State Harbor Commissioners.

Bill read first time, and referred to Committee on Commerce and Navigation.

MOTION TO RECONSIDER.

In compliance with his notice given on Thursday, March 5, 1903, Senator Ward moved that the vote whereby Senate Bill No. 555—An Act defining the time within which employes are entitled to payment for work, labor, or personal service rendered to employers, and relating to contracts waiving or extending such time of payment—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Caldwell, Corlett, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Oneal, Rowell, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—24.

NOES—Senators Bunkers, Leavitt, and Wolfe—3.

Senate Bill No. 555—An Act defining the time within which employes are entitled to payment for work, labor, or personal services rendered to employers, and relating to contracts waiving or extending such time of payment.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 555 refused passage by the following vote:

AYES—Senators Bunkers and Leavitt—2.

NOES—Senators Bauer, Byrnes, Caldwell, Corlett, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Nelson, Ralston, Rowell, Savage, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, and Woodward—23.

MOTION FIXING TIME OF ADJOURNMENT.

Senator Leavitt moved that when the Senate adjourns this day, it do so until Monday, March 9, 1903, at ten o'clock A. M.

Motion carried.

RESOLUTION.

The following resolution was offered:

By Senator Byrnes:

Resolved, That Senate Bill No. 914 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Sanford, Smith, Ward, Welch, Williams, Wolfe, and Woodward—27.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 914—An Act to appropriate the sum of \$5,000 to pay the amount of a judgment against the State of California, and in favor of Robert Y. Hayne, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 914 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to have Assembly Bill No. 75 taken up for immediate consideration for the purpose of amendment.

Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

During second reading of bill, the following amendment was offered:
By Senator Wolfe:

Amend by striking out of the title the words "appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of the State of California by adding a new section thereto, to be numbered Section 24½ of Article IV, relating to the power of the Legislature to amend existing codes.

Also: Assembly Constitutional Amendment No. 19—Proposed amendment to Article VI of the Constitution, relative to depositing public funds of any county, city and county, or city or town.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

WARD, Chairman.

Assembly Constitutional Amendments Nos. 26 and 19 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 682—An Act to amend Sections 47 and 49 of the Civil Code, and to add four new sections thereto, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Senate Bill No. 688—An Act to repeal Title IV of Part III of Division First of the Civil Code, and each and every section of said title, and to substitute a new Title IV to take the place thereof in said code, relating to masters and apprentices.

Senate Bill No. 20—An Act to appropriate \$25,000 for the establishment and support of a school of forestry in the University of California, and to maintain a forest fire patrol, and providing for the payment of such appropriation.

HUBBELL, Chairman.

Senate Bills Nos. 682, 688, and 20 ordered on file.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 650—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the investment of the funds of insurance companies"—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass as amended.

ONEAL, Chairman.

Senate Bill No. 650 ordered on file.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 743—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOODWARD, Chairman.

Assembly Bill No. 743 ordered on file.

ON IRRIGATION.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: Your Committee on Irrigation, to whom was referred Senate Bill No. 636—An Act to amend Section 1416 of the Civil Code, and to add one new section to the Civil Code, to be numbered 1422, relating to appropriation of water and work to be done by the claimant.

Also: Senate Bill No. 675—An Act to regulate the use of waters used for irrigation and to prevent the wasting of waters supplied for irrigation by any person entitled to use the same.

Have had the same under consideration, and respectfully report the same back without recommendation.

CALDWELL, Chairman.

Senate Bills Nos. 636 and 675 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 135—An Act to amend Section 3876 of the Political Code, relating to settlements with the Controller and payments into the State Treasury.

Also: Assembly Bill No. 671—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their offices.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

LUKENS, Chairman.

Assembly Bills Nos. 135 and 671 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 563—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DEVLIN, Chairman.

Assembly Bill No. 563 ordered on file.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Hubbell asked for and was granted unanimous consent to have Assembly Bill No. 544 taken up for immediate consideration.

Assembly Bill No. 544—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 544 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Rowell, Savage, Selva, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Lardner asked for and was granted unanimous consent to have Senate Bill No. 896 taken up for immediate consideration, for the purpose of amendment.

Senate Bill No. 896—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners.

During second reading of bill, the following amendments were offered:
By Senator Lardner:

After the word "with" in line four hundred and thirty-one, page twelve of the printed bill, insert the following: "the north line of Mission Street to its intersection with the south line of Folsom Street."

"Second—From the intersection of said water-front line with."

Amendment adopted.

Also:

In line four hundred and thirty-four, page thirteen of the printed bill, change the word "second" to the word "third."

Amendment adopted.

Also:

After the word "herein," in line four hundred and forty-nine, page thirteen of the printed bill, insert "including any necessary appurtenances."

Amendment adopted.

Also:

After the word "seawall," in line four hundred and fifty-two, page thirteen of the printed bill, insert "and appurtenances."

Amendment adopted.

Also:

After the word "seawall," in line four hundred and sixty-one, page thirteen of the printed bill, insert "and appurtenances."

Amendment adopted.

Also:

Before the word "the" in line four hundred and sixty-three, page thirteen of the printed bill, insert: "it is further provided that no lease shall be made under the provisions hereof to any person, firm, or corporation, for more than five hundred feet of the water front extending northerly from the north line of Channel Street, and for more

than twelve hundred feet of the water front extending southerly from the south line of Channel Street. It is further provided that said lease shall not be assignable without the written consent of the said State Board of Harbor Commissioners."

Amendment adopted.

Also:

Before the word "Commissioners," in line four hundred and eighty-eight, page fourteen of the printed bill, insert the word "Harbor."

Amendment adopted.

Also:

In line four hundred and ninety-four, page fourteen of the printed bill, change the word "north" to the word "south."

Amendment adopted.

Also:

After the word "years," in line four hundred and ninety-five, page fourteen of the printed bill, insert: "For the purposes last named of making these leases, the Governor of the State and the Mayor of the City and County of San Francisco are hereby constituted members of said Board of Harbor Commissioners, with like powers and rights as other members of said board."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading. Senator Selvage asked for and was granted unanimous consent to have Assembly Bill No. 227 taken up for immediate consideration.

Assembly Bill No. 227—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

During second reading of bill, the following amendment was offered:

By Senator Selvage:

Amend by striking out before the enacting clause the word and figure "Section 1" and inserting the following in line three after the figure "3": the word and figure "Section 1."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senator Caldwell asked for and was granted unanimous consent to have Assembly Bill No. 134 taken up for immediate consideration.

Assembly Bill No. 134—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 134 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Devlin asked for and was granted unanimous consent to have Assembly Bill No. 100 taken up for immediate consideration.

Assembly Bill No. 100—An Act to amend Section 328 of the Code of Civil Procedure of California, relating to the time of commencing actions for the recovery of real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 100 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Oneal asked for and was granted unanimous consent to have Senate Bill No. 514 taken up for immediate consideration.

Senate Bill No. 514—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 36 thereof, relating to the powers and duties of Boards of Supervisors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Lukens asked for and was granted unanimous consent to have Senate Bill No. 649 taken up for immediate consideration.

Senate Bill No. 649—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding seven new sections thereto, to be numbered Sections 637*b*, 637*c*, 637*d*, 637*e*, 637*f*, 637*g*, 637*h*, all relating to the protection of birds other than game birds and their nests and eggs.

During second reading of bill, the following amendments were offered:
By Senator Lukens:

In line seven, page three, insert the following: "Section 8," before the words "all acts."

Amendment adopted.

By Senator Tyrrell of Nevada:

On page three, section six, line five, insert the following: "wild pigeon," between the words "bluejay" and "linnet."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senator Leavitt asked for and was granted unanimous consent to have Senate Bill No. 652 taken up for immediate consideration.

Senate Bill No. 652—An Act to amend Section 869 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, amended March 14, 1885, relative to the taking and authentication of testimony on examination in criminal cases, and to provide for the fees to be paid therefor.

During second reading of bill, the following amendments were offered:
By Senator Leavitt:

Amend by adding in line fourteen, page two, printed bill, after the word "attorney," the words "with the consent of the attorney for the defendant."

Amendment adopted.

Also:

Amend the sixth subdivision of section one so as to read:

"The reporter's compensation shall be the same as that allowed by law to reporters in the Superior Courts of this State, and shall be paid out of the treasury of the county, or city and county, in which the examination is had, on the certificate and order of said magistrate, or on the allowance of the same by the Board of Supervisors."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senator Nelson asked for and was granted unanimous consent to have Senate Bill No. 613 taken up for immediate consideration.

Senate Bill No. 613—An Act to appropriate the sum of \$833.82 to pay the claim of Edward Fanning for money due and owing the said Edward Fanning from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 613 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Diggs, Flint, French, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Shortridge asked for and was granted unanimous consent to have Senate Bill No. 393 taken up for immediate consideration.

Senate Bill No. 393—An Act to appropriate \$5,000 to be expended by the Regents of the University of California in the employment of a plant pathologist to study the nature, control, and cure of asparagus rust, and in conducting experiments under the direction of such pathologist.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Luchsinger asked for and was granted unanimous consent to have Senate Bill No. 670 taken up for immediate consideration.

Senate Bill No. 670—An Act making an appropriation for traveling expenses of the Attorney-General for the remainder of the fifty-fourth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 670 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Ralston, Rowell, Savage, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Savage asked for and was granted unanimous consent to have Assembly Bill No. 578 taken up for immediate consideration.

Assembly Bill No. 578—An Act to amend Section 149 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employés of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employés.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 578 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Flint, French, Hahn, Knowland, Lardner, Leavitt, Lukens, Ralston, Rowell, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Woodward asked for and was granted unanimous consent to withdraw Senate Bill No. 325—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same—and substitute therefor on file Assembly Bill No. 563.

Senate Bill No. 325 withdrawn and ordered stricken from the file, and Assembly Bill No. 563 substituted therefor on file.

Assembly Bill No. 563—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Knowland asked for and was granted unanimous consent to have Senate Bill No. 578 taken up for immediate consideration.

Senate Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to counties of the third class.

Read third time.

Senator Knowland moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

By inserting in section fourteen, eighth page, printed bill, after the word "actions" in line two hundred and seventy-three, the following: "*provided*, that in townships containing a population of more than twenty-five thousand there shall be but one justice in and for such township."

Also: Amend section fifteen, line two hundred and ninety, ninth page, printed bill, by inserting after the word "dollars" the following: "*provided*, that in townships having a population of fifteen thousand and less than nineteen thousand there shall be but one constable."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 578, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

MESSAGES FROM THE GOVERNOR.

At eleven o'clock and fifty-eight minutes A. M., on motion of Senator Leavitt, the following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, March 6, 1903. }

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 252—An Act to amend an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs," by adding thereto a new section, relating to deposits.

Also: Senate Bill No. 272—An Act to amend an Act entitled "An Act to provide for work upon streets," relating to sewers.

Also: Senate Bill No. 204—An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property.

Also: Senate Bill No. 67—An Act for preserving the James W. Marshall monument at Coloma.

Also: Senate Bill No. 405—An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in municipalities."

Also: Senate Bill No. 355—An Act providing for the relief of J. H. Sawtell, directing the Board of Trustees of the City of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of eleven hundred and thirty (\$1130.00) dollars, and interest thereon.

GEO. C. PARDEE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, {
SACRAMENTO, March 6, 1903. }

To the Senate of the State of California:

I have the honor to respectfully return herewith, without my approval, Senate Bill No. 14, together with my reasons therefor.

This bill provides for the collection, by certain specified agents, of certain moneys claimed to be due the State by the United States.

Among its many provisions is one which suspends for a specified time the active participation in the work of collection of those specified as agents. But it is also provided that "No authority is given by this Act to any State officer of this State to accept in compromise from the United States Government less than the full amount claimed to be due, without the written consent of said agents."

The State of California, acting in its official capacity, is, and must be, represented by its State officers. And the proper action of the proper State officers must be the action of the State. If, therefore, the State of California, represented by its proper State officers, should conclude that its own interests would be best conserved by accepting from the United States, as payment in full, in lieu of the full amount, a portion of the amount claimed, the State of California could not do so, if this bill became a law, without the written consent of its own agents. The agents would be greater than the principal, even when the agents' powers are suspended; the individual would be greater than the State.

I do not believe that it is in line with public policy to thus tie the hands of the State in the performance of her own business, and place in the hands of any individual even the possibility of negating the wishes of the State as expressed through her proper officers.

Believing that this ground alone is sufficient to compel me to disapprove the bill, I return it without my approval.

GEO. C. PARDEE,
Governor of the State of California.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto of Senate Bill No. 14 was sustained by the following vote:

AYES—Senators Caldwell, Diggs, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, and Shortridge—8.

NOES—Senators Bauer, Bunkers, Coggins, Lukens, Nelson, Oneal, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—17.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Bunkers asked for and was granted unanimous consent to have Assembly Bill No. 415 taken up for immediate consideration.

Assembly Bill No. 415—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by omitting from subdivision twenty-one of said Section 25 the provision forbidding the purchase of supplies, printing, stationery, or books from persons or firms whose paper has not been published, or whose place of business established, in the county for one or more years prior to the time for fixing prices, and adding a provision in place of the part omitted that no supplies of printed or lithographed, or partly printed stationery or blanks, or blank books, printed or partly printed or partly lithographed, shall be pro-

cured or purchased, unless such articles have been printed and bound or lithographed or will be printed and bound or lithographed and manufactured in the State of California; all job printing and lithographing and advertising under this section shall be done in the State of California. Read third time.

SPECIAL ORDER SET.

On motion of Senator Leavitt, the further consideration of Assembly Bill No. 415 was made a special order for eight o'clock P. M. of this day.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Ralston asked for and was granted unanimous consent to have Senate Bill No. 627 taken up for immediate consideration.

Senate Bill No. 627—An Act to prevent injury to oil or petroleum bearing strata or formations by the infiltration or intrusion of water therein.

Bill read second time, considered engrossed, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 593—An Act to amend Sections 291 and 293 of the Civil Code, relating to the formation of corporations.

Also: Assembly Bill No. 591—An Act to amend the Civil Code by adding thereto a new section, to be numbered 300a, relating to corporations.

Also: Assembly Bill No. 377—An Act to amend Section 321a, relating to the removal by corporations of their principal places of business, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Also: Assembly Bill No. 192—An Act to amend Section 362 of the Civil Code, relating to amendments by corporations of their articles of incorporation.

Have had the same under consideration, and respectfully report the same back, and recommend that each of said bills do pass.

ONEAL, Chairman.

Assembly Bills Nos. 593, 591, 377, and 192 ordered on file.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Senate Bill No. 883—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

Also: Senate Bill No. 665—An Act to amend Sections 3571 and 3572 of the Political Code of the State of California, relating to public lands.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

BYRNES, Chairman.

Senate Bills Nos. 883 and 665 ordered on file.

ON CODE REVISION.

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your Committee on Code Revision, to whom was referred Senate Bill No. 643—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as the Commissioners for Revision and Reform of the Law, and to prescribe their powers and duties, and to

authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Also: Senate Bill No. 638—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Also: Senate Bill No. 881—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," as approved March 28, 1895.

Also: Assembly Bill No. 586—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," as approved March 28, 1895.

Have had the same under consideration, and respectfully report the inclosed back, as a substitute, and recommend that it do pass.

SELVAGE, Chairman.

Senate Bills Nos. 643, 638, and 881, and Assembly Bill No. 586 ordered on file.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock p. m. of this day.

RECONVENED.

At two o'clock p. m., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair. The roll was called, and the following answered to their names:

Senators Bauer, Byrnes, Caldwell, Corlett, Diggs, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—27.

Quorum present.

CONSIDERATION OF SPECIAL ORDER—SPECIAL FILE OF CODE REVISION BILLS.

The consideration of the special file of Code Revision bills having been made a special order for this hour, the same was taken up.

Senate Bill No. 531—An Act to amend Sections 1699 and 1702 of the Code of Civil Procedure, both relating to trustees of the estates of deceased persons.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 531 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Corlett, Diggs, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Ralston, Rowell, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 682—An Act to amend Sections 47 and 49 of the Civil Code and to add four new sections thereto, to be numbered 51, 52, 53, and 54, all relating to personal rights.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 682 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Corlett, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 686—An Act to amend Sections 224, 226, and 227 of the Civil Code, all relating to the adoption of children.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 686 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Diggs, Flint, Greenwell, Hubbell, Knowland, Leavitt, Lukens, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 779—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and an amendment thereto, entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Senate Bill No. 709—An Act to repeal Title XI of Part IV of Division First of the Civil Code and each and every section of said title, and to substitute a new Title XI to take the place thereof in said code, relating to mining corporations.

Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

HUBBELL, Chairman.

Senate Bills Nos. 779, 709, and 520 ordered on file.

SPECIAL FILE OF CODE REVISION BILLS—(RESUMED).

Senate Bill No. 688—An Act to repeal Title IV of Part III of Division First of the Civil Code, and each and every section of said title, and to substitute a new Title IV to take the place thereof in said code, relating to masters and apprentices.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 688 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Ralston, Sanford, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 692—An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 692 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 694—An Act to add a chapter to Title I of Part IV of Division First of the Civil Code, relating to foreign corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 694 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 701—An Act to amend Sections 465, 468, 481, and 489 and to repeal Section 492 of the Civil Code, and to add two new sections thereto, to be numbered 465a and 473a, all relating to railroad corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 701 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Flint, French, Greenwell, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 702—An Act to amend Sections 497, 498, 501, 504, and 507 of the Civil Code, all relating to street railway corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 702 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Diggs, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Muenter, Nelson, Pendleton, Ralston, Rowell, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, and Williams—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 703—An Act to amend Sections 513, 514, 517, 518, and 522 of the Civil Code, all relating to wagon road corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 703 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Diggs, Flint, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Savage, Sel-
vage, Smith, Tyrrell of San Francisco, Ward, and Williams—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 704—An Act to add a new section to the Civil Code, to be numbered 524, relating to franchises for the construction of paths and roads for the use of horseless vehicles.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 704 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Flint, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Ward, Williams, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 705—An Act to amend Sections 528, 529, and 530 of the Civil Code, all relating to bridge, ferry, wharf, chute, and pier corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 705 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Diggs, Flint, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Pendleton, Ralston, Rowell, Selvage, Tyrrell of San Francisco, Ward, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 706—An Act to repeal Chapter VII of Title IV of Part IV of Division First of the Civil Code, and each and every section of such chapter, and to substitute a new Chapter VII to take the place thereof in said code, relating to telegraph and telephone corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 706 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Diggs, Flint, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Selvage, Tyrrell of San Francisco, Ward, Welch, and Williams—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 707—An Act to amend Sections 549 and 551 and to repeal Section 550 of the Civil Code, all relating to water and canal corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 707 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 708—An Act to add a new section to the Civil Code, to be numbered 580, relating to statements to be made and notices to be given depositaries of money.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 708 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 709—An Act to repeal Title XI of Part IV of Division First of the Civil Code, and each and every section of said title, and to substitute a new Title XI to take the place thereof in said code, relating to mining corporations.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 709 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Greenwell, Hahn, Lardner, Leavitt, Lukens, Muentner, Pendleton, Ralston, Rowell, Savage, Smith, Ward, Welch, and Williams—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 710—An Act to add a new title to Part IV of Division First of the Civil Code, to be known as Title XIa, relating to corporations for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 710 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 711—An Act to amend Sections 593, 595, and 597 of the Civil Code, all relating to benevolent corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 711 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Flint, Greenwell, Hahn, Leavitt, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Smith, Ward, Williams, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 712—An Act to add a title to Part IV of Division First of the Civil Code, to be known as Title XIIa, relating to societies for the prevention of cruelty to children and animals.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 712 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Muentner, Nelson, Pendleton, Ralston, Sanford, Savage, Selva, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 713—An Act to amend Sections 612 and 613, and to repeal Section 616 of the Civil Code, all relating to cemetery corporations.
Read third time.

The question being on the passage of the bill

The roll was called, and Senate Bill No. 713 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Hahn, Leavitt, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Smith, Tyrrell of San Francisco, Ward, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 714—An Act to repeal Title XV of Part IV of Division First of the Civil Code, and to substitute therefor in said code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 714 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Greenwell, Hahn, Hubbell, Leavitt, Lukens, Muentner, Nelson, Plunkett, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 715—An Act to amend Sections 635, 641, 643, and to repeal Section 648½ of the Civil Code, relating to land and building corporations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 715 passed by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Corlett, Flint, French, Greenwell, Hahn, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Smith, Tyrrell of San Francisco, Ward, Welch, and Williams—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 716—An Act to add a Title XIX to Part IV of Division First of the Civil Code, relating to coöperative business corporations.
Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 716 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Luchsinger, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Selva, Smith, Williams, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 717—An Act to add a Title XX to Part IV of Division First of the Civil Code, relating to coöperative business associations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 717 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Hahn, Hubbell, Knowland, Luchsinger, Muentner, Oneal, Pendleton, Rowell, Sanford, Savage, Selvage, Smith, Williams, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 718—An Act to amend Sections 682, 683, 686, 702, and 703 of the Civil Code, all relating to interests in property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 718 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Hahn, Hubbell, Lardner, Luchsinger, Muentner, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 719—An Act to amend Section 709 of the Civil Code, relating to conditions precedent.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 719 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Greenwell, Hubbell, Lardner, Leavitt, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Smith, Ward, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 720—An Act to amend Section 801 of the Civil Code, relating to servitudes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 720 passed by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Corlett, Diggs, Flint, French, Lardner, Leavitt, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 721—An Act to amend Section 832 of the Civil Code, relating to the right of coterminous owners.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 721 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Smith, Tyrrell of San Francisco, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 722—An Act to add Sections 842 and 843 to the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 722 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Leavitt, Luchsinger, Muentner, Oneal, Pendleton, Ralston, Rowell, Sanford, Selvage, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 723—An Act to amend Sections 857 and 859 of the Civil Code, both relating to trusts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 723 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 724—An Act to amend Section 993 of the Civil Code, relating to the transfer of the good will and name of a business.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 724 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Leavitt, Oneal, Pendleton, Plunkett, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 725—An Act to amend Section 1055 of the Civil Code, relating to the presumption of the time of the execution of a grant.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 725 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Leavitt, Pendleton, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 726—An Act to amend Section 1067 of the Civil Code, relating to the interpretation of grants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 726 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Diggs, Flint, French, Hubbell, Leavitt, Luchsinger, Muentner, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvaige, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 727—An Act to add a new section to the Civil Code, to be numbered 1096, relating to the mode of transferring real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 727 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Leavitt, Luchsinger, Muentner, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvaige, Smith, Tyrrell of Nevada, Ward, Williams, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 728—An Act to amend Section 1106 of the Civil Code, relating to the effect of a transfer of real property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 728 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Luchsinger, Muentner, Pendleton, Ralston, Sanford, Savage, Selvaige, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 729—An Act to amend Section 1149 of the Civil Code, relating to gifts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 729 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Hubbell, Leavitt, Muentner, Pendleton, Ralston, Rowell, Sanford, Savage, Selvaige, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 730—An Act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 730 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Pendleton, Ralston, Rowell, Sanford, Savage, Selvaige, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 731—An Act to amend Sections 1181, 1185, 1190, 1193, 1202, 1203, and 1207 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 731 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 732—An Act to add a new section to the Civil Code, to be numbered 1218, relating to the recording of certified copies of instruments in writing.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 732 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hubbell, Leavitt, Luchsinger, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 733—An Act to repeal Chapter I of Title V of Part IV of Division Second of the Civil Code, and each and every section of said Chapter I, and to substitute a new Chapter I to take the place thereof in said code, relating to homesteads.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 733 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Hubbell, Leavitt, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Williams—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 734—An Act to amend Section 1263 of the Civil Code, relating to declarations of homestead.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 734 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Leavitt, Luchsinger, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At three o'clock and fifteen minutes p. m., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

Senate Bill No. 735—An Act to add a chapter to Title V of Part IV of Division Second of the Civil Code, relating to homesteads of insane persons.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 735 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hubbell, Leavitt, Luchsinger, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 736—An Act to amend Sections 1275, 1276, 1295, 1300, 1306, 1307, 1326, 1327, 1343, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 736 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Flint, French, Hubbell, Leavitt, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Ward, Williams, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 737—An Act to amend Sections 1386, 1387, 1388, 1395, 1399, 1405, and 1406 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 737 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Leavitt, Luchsinger, Muentner, Pendleton, Ralston, Rowell, Sanford, Selvage, Smith, Tyrrell of Nevada, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 738—An Act to add a new section to the Civil Code, to be numbered 1468, relating to covenants running with land.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 738 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Diggs, Flint, French, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 739—An Act to amend Sections 1473 and 1479 of the Civil Code, relating to the performance of obligations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 739 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Flint, French, Leavitt, Luchsinger, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 740—An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 740 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Leavitt, Luchsinger, Muentner, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 741—An Act to amend Section 1691 of the Civil Code, relating to the rescission of contracts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 741 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hubbell, Luchsinger, Muentner, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Ward, Welch, Williams, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 742—An Act to amend Section 1715 of the Civil Code, and to add two new sections thereto, to be numbered 1716 and 1717, all relating to waste.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 742 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Leavitt, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 743—An Act to add a new section to the Civil Code, to be numbered 1779, relating to warrants.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 743 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hubbell, Leavitt, Luchsinger, Muentner, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 744—An Act to add an Article IIIa to Chapter II of Title III of Part IV of Division Third of the Civil Code, relating to warehousemen.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 744 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hubbell, Leavitt, Luchsinger, Muentner, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 745—An Act to amend Section 1863 of the Civil Code, relating to innkeepers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 745 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Devlin, Diggs, French, Hubbell, Leavitt, Luchsinger, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 746—An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 746 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hubbell, Leavitt, Luchsinger, Oneal, Pendleton, Ralston, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 747—An Act to amend Sections 1929, 1930, and 1932 of the Civil Code, all relating to the hiring of property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 747 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hubbell, Leavitt, Luchsinger, Muentner, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 748—An Act to amend Sections 1980, 1990, and 1996 of the Civil Code, all relating to employers and employés.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 748 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hubbell, Leavitt, Luchsinger, Pendleton, Ralston, Sanford, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 749—An Act to amend Sections 2161, 2207, and 2208 of the Civil Code, all relating to carriers of messages.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 749 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hubbell, Leavitt, Luchsinger, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of Nevada, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 750—An Act to amend Sections 2170, 2172, 2180, and 2195 of the Civil Code, all relating to common carriers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 750 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, French, Hubbell, Leavitt, Luchsinger, Muenter, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 751—An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 751 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, French, Hubbell, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Williams—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 752—An Act to add a new section to the Civil Code, to be numbered 2245, relating to trusts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 752 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hubbell, Lardner, Leavitt, Luchsinger, Oneal, Pendleton, Ralston, Rowell, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 753—An Act to amend Section 2334 of the Civil Code, relating to the liability of principals for the acts of their agents.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 753 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hubbell, Leavitt, Luchsinger, Nelson, Pendleton, Rowell, Sanford, Selvage, Shortridge, Smith, Williams, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 754—An Act to amend Sections 2406, 2450, 2461, 2468, and 2489 of the Civil Code, all relating to partnerships.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 754 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hubbell, Lardner, Leavitt, Nelson, Oneal, Pendleton, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of Nevada, Williams, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 755—An Act to amend Section 2541 of the Civil Code, relating to insurance of mortgaged property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 755 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 756—An Act to add a new section to the Civil Code, to be numbered 2893, relating to the enforcement of liens on personal property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 756 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 757—An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to liens.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 757 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 758—An Act to amend Sections 2936, 2959, 2968, and 2969 of the Civil Code and to add a new section thereto, to be numbered 2973, all relating to mortgages.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 758 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Flint, Greenwell, Hubbell, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 759—An Act to amend Section 3052 of the Civil Code, and to add five new sections thereto, to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 759 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Diggs, French, Greenwell, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 760—An Act to amend Sections 3131, 3156, 3176, 3197, 3235, and 3245 of the Civil Code, all relating to negotiable instruments.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 760 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Diggs, French, Greenwell, Hubbell, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—26. *

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 761—An Act to amend Section 3294 of the Civil Code, relating to exemplary damages.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 761 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Diggs, French, Greenwell, Hubbell, Leavitt, Luchsinger, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 762—An Act to add a new section to the Civil Code, to be numbered 3346a, relating to damages for negligently firing woods.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 762 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Diggs, Flint, French, Greenwell, Hubbell, Leavitt, Luchsinger, Muentner, Oneal, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 763—An Act to amend Section 3366 of the Civil Code, relating to specific and preventive relief.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 763 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Diggs, Greenwell, Hubbell, Leavitt, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 764—An Act to add a new section to the Civil Code, to be numbered 3396, relating to judgments for the specific performance of contracts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 764 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Greenwell, Hubbell, Leavitt, Luchsinger, Muentner, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 765—An Act to amend Section 3406 of the Civil Code, relating to the rescission of contracts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 765 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Diggs, Greenwell, Hubbell, Leavitt, Luchsinger, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 766—An Act to amend Section 3442 of the Civil Code, relating to fraudulent instruments and transfers.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 766 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Diggs, Greenwell, Hubbell, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 767—An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 767 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Diggs, Greenwell, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 768—An Act to amend Sections 3479 and 3503 of the Civil Code, relating to nuisances.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 768 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Diggs, French, Greenwell, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Rowell, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 819—An Act to amend Section 27 of the Penal Code, and to add a new section thereto, to be numbered 26a, both relating to persons liable to punishment for crime.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 820—An Act to amend Sections 42, 45, 46, 47, 49, 50, 51, 55, 57, 59, and 62 of the Penal Code, and to add six new sections thereto, to be numbered 42a, 49a, 54a, 54b, 55a, 57a, and 63b, all relating to crimes against the elective franchise.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 821—An Act to amend Section 76 of the Penal Code, and to add a new section thereto, to be numbered 74a, both relating to crimes by and against the executive power of the State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 822—An Act to amend Sections 94 and 100 of the Penal Code, both relating to bribery and corruption.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 823—An Act to amend Sections 109, 110, and 111 of the Penal Code, all relating to unlawful escapes of prisoners, and the aiding therein.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 824—An Act to amend Sections 119, 121, and 124 of the Penal Code, and to add two new sections thereto, to be numbered 118a and 129, all relating to perjury.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 825—An Act to amend Sections 159½, 165, 167, 168, 171, and 172, and to repeal Sections 178, 179, and 180 of the Penal Code, approved February 10, 1899, and to add four new sections thereto to be numbered 161*a*, 171*a*, 171*b*, 171*c*, all relating to offenses against public justice.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 826—An Act to amend Section 207 of the Penal Code, relating to kidnapping.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 827—An Act to amend Section 218 of the Penal Code, and to add a new section thereto, to be numbered 214, both relating to unlawful interference with railway tracks and trains.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 828—An Act to add seven new sections to the Penal Code, all relating to the prostitution of women.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 829—An Act to add two new sections to the Penal Code, to be numbered 269*a* and 269*b*, relating to open and notorious fornication and adultery.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 830—An Act to amend Sections 270 and 272 of the Penal Code, and to add new sections thereto, to be numbered 271*a*, 273, 273*a*, 273*b*, 273*c*, 273*d*, and 273*e*, all relating to crimes against children.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 831—An Act to amend Sections 302 and 307, and to repeal Sections 303, 306, and 310½ of the Penal Code, all relating to crimes against religion.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 832—An Act to amend Section 315 of the Penal Code, relating to houses of ill-fame.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 833—An Act to amend Section 343 of the Penal Code, relating to pawnbrokers.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 834—An Act to add a new section to the Penal Code, to be numbered 347*a*, relating to the sale of poisons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 835—An Act to add a new section to the Penal Code, to be numbered 349*a*, relating to the preventing of fraud and imposition in the stamping and labeling of produce and manufactured goods.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 836—An Act to amend Section 360 of the Penal Code, relating to marriages.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 837—An Act to amend Sections 374, 376, 382, 383, 384, 397 and 400, and to renumber Sections 402 $\frac{1}{2}$ and 402 $\frac{3}{4}$ and to add new sections thereto, to be numbered 369*a*, 369*b*, 369*c*, 369*d*, 369*e*, 369*f*, 369*h*, 375*a*, 383*a*, 384*a*, 384*b*, 384*c*, 397*a*, 397*b*, 401*a*, and 402*c*, all relating to crimes against the public health and safety.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 838—An Act to add two new sections to the Penal Code, both relating to unlawfully and fraudulently riding upon railways.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 839—An Act to add a new section to the Penal Code, to be numbered 420, relating to obstructing persons from entering upon public lands of the United States.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 840—An Act to amend Sections 470, 474, 481, and 482 of the Penal Code, relating to forgeries and counterfeiting.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 841—An Act to amend Sections 487, 496, 497, 498, and 500 and to renumber Section 502 $\frac{1}{2}$ of the Penal Code, all relating to larceny.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 842—An Act to amend Sections 512, 513, and 514 of the Penal Code and to add a new section thereto to be numbered 515, all relating to embezzlement.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 843—An Act to amend Section 522 of the Penal Code, relating to extortion.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 844—An Act to amend Sections 529, 530, 532, and 537, approved March 1, 1889, 537 $\frac{1}{2}$ and 538, and to renumber 538 $\frac{1}{2}$, and to repeal Sections 531 and 537, approved March 9, 1893, of the Penal Code, and to add a new section thereto to be numbered 538*b*, all relating to false personation and cheats.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 845—An Act to amend Sections 561, 562, and 564 of the Penal Code, all relating to fraud in the management of corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 846—An Act to amend Sections 587 and 591 of the Penal Code and to add two new sections thereto to be numbered 587*a* and 593*a*, all relating to malicious injuries.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 847—An Act to amend Section 597 of the Penal Code and to add nine new sections thereto, all relating to cruelty to animals.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 848—An Act to add a new section to the Penal Code to be numbered 597*g*, relating to offenses against public decency.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 849—An Act to amend Sections 601, 602, and 609, to repeal Section 603 of the Penal Code, and to add new sections thereto to be numbered 598*a* and 599, all relating to malicious mischiefs.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 850—An Act to add four new sections to the Penal Code, all relating to the dangerous use or keeping of explosives.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 851—An Act to amend Sections 619, 620, 621, 638, 639, 640, and 641 of the Penal Code, all relating to telegraphic and telephonic messages.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 852—An Act to add three new sections to the Penal Code, all relating to crimes against employés.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 853—An Act to amend Sections 758 and 769, and to repeal Section 772 of the Penal Code, all relating to the removal of officers otherwise than by impeachment.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 854—An Act to amend Sections 777, 784, and 789 of the Penal Code, and to add new sections thereto to be numbered 778*a* and 778*b*, all relating to the local jurisdiction of public offenses.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 855—An Act to amend Sections 836 and 840 of the Penal Code, both relating to arrests.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 856—An Act to amend Sections 872 and 882 of the Penal Code, both relating to the examination of persons accused of crime, and the testimony taken thereat.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 857—An Act to amend Sections 915, 919, 923, 925, and to repeal Sections 907, 908, 909, 910, 916, 931, 932, 933, 934, 935, 936, and 937 of the Penal Code, all relating to proceedings by and before grand juries.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 858—An Act to amend Sections 954, 969, 1004, 1008, and 1020 of the Penal Code, and to add a new section thereto, to be numbered 1025, all relating to pleadings in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 859—An Act to amend Sections 1033 and 1034 of the Penal Code, both relating to the change of the place of trial in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 860—An Act to amend Sections 1108 and 1110, and to repeal Section 1125 of the Penal Code, and to add new sections thereto, to be numbered 1103a and 1112, all relating to evidence necessary to convict in certain criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 861—An Act to amend Sections 1170, 1171, 1174, and 1176 of the Penal Code, all relating to bills of exception in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 862—An Act to amend Sections 1185, 1186, and 1187 of the Penal Code, all relating to the arrest of judgment in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 863—An Act to amend Sections 1191, 1201, 1206, and 1207 of the Penal Code, all relating to judgments in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 864—An Act to amend Sections 1214, 1216, 1217, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, and 1229 of the Penal Code, all relating to the execution of judgments in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 865—An Act to amend Sections 1235, 1238, 1239, 1240, 1241, 1245, 1246, and 1264 of the Penal Code, all relating to appeals in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 866—An Act to amend Sections 1305, 1306, and 1307 of the Penal Code, all relating to the forfeiture of bail in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 867—An Act to amend Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341 of the Penal Code, all relating to the conditional examination of witnesses in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 868—An Act to amend Sections 1370, 1372, and 1373 of the Penal Code, all relating to inquiries into the sanity of the defendant in criminal cases.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 869—An Act to amend Section 1388 and to repeal Section 1389 of the Penal Code, both relating to criminal prosecutions against minors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 870—An Act to amend Sections 1390 and 1391 of the Penal Code, both relating to criminal prosecutions against corporations.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 871—An Act to amend Sections 1427 and 1446 of the Penal Code, and to add a new section thereto, to be numbered 1425, all relating to proceedings in justices' and police courts.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 872—An Act to amend Section 1475 of the Penal Code, relating to the writ of habeas corpus.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 873—An Act to amend Sections 1510, 1512, 1513, and 1515 of the Penal Code, and to add new sections thereto, to be numbered 1511a, 1511b, 1514a, 1520, and 1521, all relating to coroners.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 874—An Act to amend Section 1541 of the Penal Code, relating to search warrants.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 875—An Act to add a new section to the Penal Code, to be numbered 1541a, relating to rewards.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 876—An Act to repeal Title I of Part III of the Penal Code, relating to State prisons.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 877—An Act to amend Sections 1603 and 1605 of the Penal Code, and to add a new section thereto, to be numbered 1615, all relating to county jails.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 818—An Act to amend Section 7 of the Penal Code, relating to definitions.

During second reading of bill, the following amendment was offered:
By Senator Selvage:

Amend by inserting the following: "Section 1" before the words "section seven" following the enacting clause.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Wolfe, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 5—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

Also: Senate Bill No. 291—An Act appropriating the sum of \$100,000 for the purchase of a site and for the erection, equipment, and furnishing of a building, or buildings, for the use of the San Francisco State Normal School.

Also: Adopted Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XIII of said Constitution, relating to revenue and taxation, by striking out and repealing Sections 4 and 5 of said article and amending Section 1 of said article.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Senate Bills Nos. 5 and 291 ordered to enrollment.

Assembly Constitutional Amendment No. 24 referred to Committee on Constitutional Amendments.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 792—An Act creating a State commission on voting and balloting machines, defining their powers, and providing for the use, at the option of indicated local authorities, of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city, or town, at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act.

Also: Concurred in Senate amendments to Assembly Bill No. 23 and Assembly Bill No. 139.

Also: Passed a motion requesting your honorable body to return to the Assembly for the purpose of withdrawal, Assembly Bill No. 701, Assembly Bill No. 600, and Assembly Bill No. 601.

CLIO LLOYD, Chief Clerk.
By C. A. THOMPSON, Assistant.

Senate Bill No. 792 ordered to enrollment.

Assembly Bills Nos. 701, 600 and 601 ordered returned to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to have Assembly Bill No. 501 taken up for immediate consideration.

Assembly Bill No. 501—An Act relating to the justices' courts in cities and counties of more than one hundred thousand population, and providing for the appointment of a justices' clerk and his assistants, prescribing their duties and fixing their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 501 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Ralston, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Ward, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Oneal asked for and was granted unanimous consent to have Assembly Bill No. 398 taken up for immediate consideration.

Assembly Bill No. 398—An Act to establish a State dairy school and experimental farm to be located at Menlo Park, in San Mateo County, State of California, on lands belonging to the University of California, known as the "Flood property," and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 398 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Ralston, for Senator Belshaw, asked for and was granted unanimous consent to withdraw Senate Bill No. 522—An Act to amend the Penal Code of the State of California by adding one new section to Title X thereof, relative to public nuisance, said section to be numbered 370½—and substitute therefor on file Senate Bill No. 523.

Senate Bill No. 522 withdrawn and ordered stricken from the file, and Senate Bill No. 523 substituted therefor on file.

Senate Bill No. 523—An Act to amend Section 1095 of the Political Code of the State of California, relating to the registration of voters.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 523 passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Greenwell, Hahn, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Selvage, Smith, Ward, Williams, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Muentner asked for and was granted unanimous consent to have Senate Bill No. 385 taken up for immediate consideration.

Senate Bill No. 385—An Act making an appropriation to pay the claim of Clark & Henery, for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Read third time.

Senator Muentner moved to refer to Senator Shortridge, as a special committee of one, to amend as follows:

By striking out of section three, line one, the word "immediately," and inserting the following: "and be in force from and after January first, A. D. nineteen hundred and four."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 385, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHORTRIDGE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and re-engrossment.

Senator Devlin asked for and was granted unanimous consent to have Assembly Bill No. 662 taken up for immediate consideration.

Assembly Bill No. 662—An Act entitled an Act to amend Section 1239 of the Political Code of the State of California, relating to the rules governing the boards of election, in determining the place of residence of any person entitled to vote therein.

Read third time.

Senator Devlin moved to refer to Senator Shortridge, as a special committee of one, to amend as follows:

By striking out of section eleven, line two, the word "appealed," and inserting the word "repealed."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 662, with instructions to amend, respectfully reports the same back, amended as per instructions.

SHORTRIDGE, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and on file for final passage.

Senator Shortridge asked for and was granted unanimous consent to have Assembly Bill No. 576 taken up for immediate consideration.

Assembly Bill No. 576—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Read third time.

Senator Shortridge moved to refer to Senator Smith, as a special committee of one, to amend as follows:

By striking out all after section two, and inserting in lieu thereof the following: "This Act shall take effect January fifth, nineteen hundred and five."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 576, with instructions to amend, respectfully reports the same back, amended as per instructions.

SMITH, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and on file for final passage.

Senator Smith asked for and was granted unanimous consent to have Assembly Bill No. 908 taken up for immediate consideration.

Assembly Bill No. 908—An Act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements.

Bill read second time, and ordered on file for third reading.

Senator Coggins asked for and was granted unanimous consent to have Senate Bill No. 889 taken up for immediate consideration.

Senate Bill No. 889—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 889 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Diggs, Flint, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Selva, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At four o'clock and thirty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senator Nelson asked for and was granted unanimous consent to have Senate Bill No. 782 taken up for immediate consideration.

Senate Bill No. 782—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered Section 1144, relating to the payment of fees to grand jurors.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Lukens asked for and was granted unanimous consent to have Senate Bill No. 906 taken up for immediate consideration.

Senate Bill No. 906—An Act to authorize cities to acquire and operate a joint system or systems of water supply.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Luchsinger asked for and was granted unanimous consent to have Senate Bill No. 664 taken up for immediate consideration.

Senate Bill No. 654—An Act to amend Section 3514 of Article IV of the Political Code, relating to public lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 654 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Diggs, Flint, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Sanford, Selva, Tyrrell of San Francisco, Ward, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Ralston asked for and was granted unanimous consent to have Senate Bill No. 905 taken up for immediate consideration.

Senate Bill No. 905—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, by amending Section 190 thereof, relating to counties of the thirty-third class.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Selva asked for and was granted unanimous consent to have Assembly Bill No. 694 taken up for immediate consideration.

Assembly Bill No. 694—An Act to provide for locating and surveying a State highway from a point on the Trinity River, in Trinity

County, near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 694 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Devlin, Diggs, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Oneal, Pendleton, Ralston, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Hahn asked for and was granted unanimous consent to have Senate Bill No. 787 taken up for immediate consideration.

Senate Bill No. 787—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Leavitt asked for and was granted unanimous consent to have Senate Bill No. 886 taken up for immediate consideration.

Senate Bill No. 886—An Act to prohibit the selling of pools and book-making on any trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, or upon any chance, casualty, or uncertain or contingent event, and the maintaining of places wherein poolselling or bookmaking is carried on, except when said pools are sold or said bookmaking is carried on within the race-track, enclosure, fair grounds, or buildings wherein such trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, shall be had and occur, and upon the days when such trials or contests actually occur or are had; and to provide a punishment for the violation of this Act.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Savage asked for and was granted unanimous consent to have Senate Bill No. 365 taken up for immediate consideration.

Senate Bill No. 365—An Act to amend Sections 1 and 11 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," which Act became a law under constitutional provision, without Governor's approval, February 27, 1901.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Williams asked for and was granted unanimous consent to have Assembly Bill No. 21 taken up for immediate consideration.

Assembly Bill No. 21—An Act relating to ferries across navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 21 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Diggs, Flint, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Williams, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Oneal asked for and was granted unanimous consent to have Assembly Bill No. 759 taken up for immediate consideration.

Assembly Bill No. 759—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be known and numbered Section 365, relating to corporations and the consolidation of any corporation incorporated under the laws of this State or under the laws of any other State or Territory of the United States having similar objects or purposes, and thereby consolidating their respective properties, capital stock, equipments, adjuncts, franchises, claims, demands, contracts, agreements, obligations, debts, liabilities, and assets, of every kind and description.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 759 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Corlett, Devlin, Diggs, Greenwell, Hahn, Knowland, Oneal, Pendleton, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—22.

NOES—Senators Caldwell and Flint—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Corlett asked for and was granted unanimous consent to have Assembly Bill No. 201 taken up for immediate consideration.

Assembly Bill No. 201—An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 201 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Flint, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Sanford asked for and was granted unanimous consent to have Senate Bill No. 640 taken up for immediate consideration.

Senate Bill No. 640—An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Wolfe asked for and was granted unanimous consent to have Senate Bill No. 625 taken up for immediate consideration.

Senate Bill No. 625—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 625 passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Williams, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Pendleton:

Resolved, That each Senator be and he is hereby permitted and requested to furnish the Secretary of the Senate with the number of a bill which he desires to have made a case of urgency and read the same three times on one day.

Resolved further, That the Secretary prepare a case of urgency resolution embodying all such bills for adoption by this body.

Resolved further, That the consideration of all such urgency bills be considered daily at three o'clock and thirty minutes p. m. until recess following, commencing with Tuesday, March 10, 1903.

Resolution read and adopted.

LEAVE OF ABSENCE.

Senator Wolfe was, on his own motion, granted leave of absence from the evening session of this day.

RECESS.

At five o'clock and fifteen minutes p. m., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eight o'clock p. m. of this day.

RECONVENED.

At eight o'clock p. m. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, and Woodward—22.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the file for the third reading of bills having been made a special order for this hour, the same was taken up.

Senator Knowland moved that the Senate take up the consideration of the file of third reading of bills at the point reached yesterday at the time of adjournment.

Motion lost.

Senate Joint Resolution No. 5—Relative to Venezuela affairs.

On motion of Senator Ward, passed on file, to retain place.

Senate Bill No. 94—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes in the State of California.

On motion of Senator Lukens, passed on file, to retain place.

Senate Bill No. 72—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to personal relations.

On motion of Senator Lukens, passed on file, to retain place.

At eight o'clock and fifteen minutes p. m., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

Senate Bill No. 550—An Act to amend Section 202 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 550 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Sanford, Savage, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 151—An Act to amend Sections 10 and 11 of an Act to provide for the organization and management of county fire insurance companies.

On motion of Senator Hahn, passed on file, to retain place.

Senate Bill No. 155—An Act to amend Section 1489 of the Political Code, relating to the powers and duties of Boards of Trustees of the Normal Schools in the State of California.

On motion of Senator Sanford, passed on file, to retain place.

Senate Bill No. 557—An Act to amend Section 686 of the Penal Code, relating to the rights of defendant in a criminal action.

On motion of Senator Devlin, passed on file, to retain place.

Senate Bill No. 377—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles, or jars, making it a misdemeanor, and providing penalties for the violation thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 377 passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Hahn, Hubbell, Leavitt, Lukens, Nelson, Pendleton, Ralston, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 11—Relative to approving the charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 30th day of August, 1902.

On motion of Senator Byrnes, passed on file, to retain place.

Senate Constitutional Amendment No. 8—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 17 of Article VI thereof, relating to the salaries of Justices of the Supreme Court and Judges of the Superior Court, and the manner of payment thereof.

On motion of Senator Tyrrell of San Francisco, passed on file, to retain place.

Senate Bill No. 371—An Act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California for the arrest of Josef E. Blanthier, for murder.

On motion of Senator Smith, passed on file, to retain place.

Assembly Bill No. 274—An Act to add a new section to the Political Code, to be numbered 751½, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 274 finally passed by the following vote:

AYES—Senators Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Sanford, Savage, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 689—An Act to amend Sections 1036 and 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 689 finally passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Ralston, Sanford, Savage, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with the notice given on yesterday, Senator Devlin moved that the vote whereby Senate Bill No. 243—An Act to provide for the organization, management, and control of mutual fire insurance corporations—was passed, be now reconsidered.

The motion was duly seconded.

Senator Devlin moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 243 was passed, be postponed until Monday, March 9, 1903.

The question being on the motion to postpone.

The ayes and noes were demanded by Senators Hahn, Lardner, and Caldwell.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hahn moved a call of the Senate.

Motion carried.

Time, eight o'clock and fifty minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—26.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eight o'clock and fifty-two minutes P. M., Senator Hahn moved that further proceedings under the call of the Senate be dispensed with.

Motion lost.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eight o'clock and fifty-four minutes P. M., Senator Hahn moved that further proceedings under the call of the Senate be dispensed with.

The question being on the motion.

The ayes and noes were demanded by Senators Devlin, Ralston, and Coggins.

The roll was called, and the motion carried by the following vote:

AYES—Senators Byrnes, Caldwell, Coggins, Corlett, Diggs, Hahn, Hubbell, Knowland, Lardner, Lukens, Sanford, Savage, Tyrrell of San Francisco, Ward, and Woodward—15.

NOES—Senators Bunkers, Devlin, Flint, Leavitt, Luchsinger, Ralston, Shortridge, Smith, and Williams—9.

Whereupon the acting President announced the motion to postpone was lost by the following vote:

AYES—Senators Bunkers, Byrnes, Devlin, Diggs, Flint, Leavitt, Luchsinger, Lukens, Ralston, Shortridge, Tyrrell of San Francisco, and Williams—12.

NOES—Senators Caldwell, Coggins, Corlett, Hahn, Hubbell, Knowland, Lardner, Nelson, Sanford, Savage, Selvage, Ward, and Woodward—13.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bunkers, Devlin, Flint, Leavitt, Luchsinger, Lukens, Ralston, Tyrrell of San Francisco, and Williams—9.

NOES—Senators Byrnes, Caldwell, Coggins, Corlett, Hahn, Hubbell, Knowland, Lardner, Nelson, Pendleton, Sanford, Savage, Selvage, Ward, and Woodward—15.

Senate Bill No. 243 ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: Your Committee on Enrossment and Enrollment have examined the following:

Senate Joint Resolution No. 15—Requesting our Senators and Representatives in Congress to have the battleships of the United States built in the navy yards of the United States.

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article XIII of the State Constitution by adding thereto a new section to be numbered "one and three-quarters," relative to exemption of shipping from taxation.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 6th day of March, 1903, at eight o'clock and forty minutes P. M.

HUBBELL, Chairman.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Read third time on a previous day.

Senator Flint moved to refer to Senator Luchsinger, as a special committee of one, to amend as follows:

By striking out of section one, lines ten and eleven, the words: "And not more than three hundred feet thereof to one lessee," and inserting after the words "provided that," at the end of line twelve, the following: "not more than three hundred feet frontage of said water-front shore be leased to one lessee; and provided further that."

Also: By striking out the semicolon after the figures "1868" in line three, section one, and inserting in lieu thereof a comma.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 520, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUCHSINGER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senate Bill No. 779—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 779 passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Pendleton, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly. •

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Flint asked for and was granted unanimous consent to withdraw Senate Bill No. 427—An Act to amend an Act entitled "An Act to provide for the furnishing to Sheriffs and Chiefs of Police of certain information, descriptions, and photographs of convicts about to be discharged, by the Wardens of State Prisons," approved March 27, 1897—and to substitute therefor on file Senate Bill No. 614.

Senate Bill No. 427 withdrawn and ordered stricken from the file, and Senate Bill No. 614 substituted therefor on file.

Senate Bill No. 614—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 47 thereof.

On motion of Senator Flint, passed on file, to retain place.

Senate Bill No. 77—An Act to provide for the improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor.

On motion of Senator Sanford, passed on file; to retain place.

Senator Corlett asked for and was granted unanimous consent to withdraw Senate Bill No. 274—An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof, to provide the penalty therefor, and to appropriate money to enforce the same—and substitute therefor on file Assembly Bill No. 158.

Senate Bill No. 274 withdrawn and ordered stricken from the file, and Assembly Bill No. 158 substituted therefor on file.

Assembly Bill No. 158—An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 158 finally passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Sanford, Savage, Selva, Smith, Ward, Williams, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 224—An Act to appropriate the sum of \$1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Hahn moved a call of the Senate.

Motion carried.

Time, nine o'clock and twenty minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Sanford, Savage, Selva, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At nine o'clock and twenty-two minutes P. M., Senators Smith, Hahn, and Shortridge were brought before the bar of the Senate, and, on motion of Senator Ralston, were excused for being absent from the Senate chamber.

At nine o'clock and twenty-five minutes P. M., Senator Savage moved that further proceedings under the call of the Senate be dispensed with.

Motion lost.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At nine o'clock and twenty-eight minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Williams.

The roll of absentees was called.

Whereupon the acting President announced that Senate Bill No. 224 was refused passage by the following vote:

AYES—Senators Bunkers, Byrnes, Coggins, Corlett, Devlin, Diggs, Flint, Knowland, Leavitt, Lukens, Nelson, Sanford, Selva, Tyrrell of San Francisco, and Ward—15.

NOES—Senators Caldwell, Hahn, Hubbell, Lardner, Luchsinger, Pendleton, Ralston, Savage, Shortridge, Smith, Williams, and Woodward—12.

NOTICE OF MOTION TO RECONSIDER.

Senator Williams gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 224 was this day refused passage.

Senator Lukens moved that Senate Bill No. 440—An Act regulating the business of abstracting, searching, and certifying to the public records of the several counties of the State of California—be placed at the foot of the file for the third reading of bills, and that Assembly Bill No. 521 be substituted in place thereof.

Motion carried.

Assembly Bill No. 521—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3898a, relating to proceedings for the transfer to the Regents of the University of California of certain public lands acquired by tax sales.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 521 finally passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Pendleton, Ralston, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Welch, and Woodward—21.

NOES—Senator Leavitt—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF SENATE JOINT RESOLUTION AND SUBSTITUTION OF BILL.

Senator Sanford asked for and was granted unanimous consent to withdraw Senate Joint Resolution No. 10—Requesting the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution providing for the election of United States Senators by a direct vote of the people—and to substitute therefor on file Assembly Bill No. 584.

Senate Joint Resolution No. 10 withdrawn and ordered stricken from the file, and Assembly Bill No. 584 substituted therefor on file.

Assembly Bill No. 584—An Act to amend the Penal Code of California, by adding a new section thereto, to be numbered 537½, relating to defrauding the proprietors or managers of livery or feed stables kept for profit.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 584 finally passed by the following vote:

AYES—Senators Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Pendleton, Ralston, Sanford, Savage, Tyrrell of San Francisco, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

Senate Constitutional Amendment No. 18—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 2 of Article IV thereof, relative to the sessions of the Legislature.

On motion of Senator Bunkers, passed on file, to retain place.

Senate Constitutional Amendment No. 17—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 23 of Article IV thereof, relative to the compensation of members of the Legislature.

On motion of Senator Bunkers, passed on file, to retain place.

Senate Constitutional Amendment No. 13—A resolution proposing to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature, and by amending Section 4 of Article V thereof, relating to declaring elections of Governor.

On motion of Senator Devlin, passed on file, to retain place.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly.

On motion of Senator Hahn, passed on file, to retain place.

Senate Bill No. 657—An Act authorizing the State of California to accept a deed from Henry Cowell of certain land in the County of Mendocino, to be known as "Rowland Cowell Park," on certain conditions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 657 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Savage, Shortridge, Smith, Ward, Williams, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At nine o'clock and forty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Senate Bill No. 610—An Act amending Sections 3924 and 3927 of the Political Code of the State of California, relating to the boundary lines between the counties of Placer and El Dorado.

On motion of Senator Lardner, passed on file, to retain place.

Senate Bill No. 562—An Act to declare the Associated Press and all other associations, companies, and corporations of a similar nature common carriers, and to provide penalties for discrimination between patrons thereof, or persons desiring to become patrons thereof.

Read third time.

Senator Pendleton moved to refer to Senator Smith, as a special committee of one, to amend as follows:

By striking out the enacting clause.

SPECIAL ORDER SET.

On motion of Senator Pendleton, the further consideration of Senate Bill No. 562, and the pending motion to refer to a special committee of one to amend, was made a special order for Monday, March 9, 1903. at eight o'clock and thirty minutes P. M.

CONSIDERATION OF SPECIAL ORDER—(RESUMED).

Senate Bill No. 205—An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer, or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence.

On motion of Senator Hahn, passed on file, to retain place.

Senate Bill No. 45—An Act to amend Section 339 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

On motion of Senator Hahn, passed on file, to retain place.

Senate Bill No. 125—An Act to amend Section 337 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property.

Read third time.

On motion of Senator Hahn, passed on file, to retain place.

Senate Bill No. 424—An Act to amend Section 726 and 729 of the Code of Civil Procedure, relating to the foreclosure and sale of mortgaged lands.

On motion of Senator Sanford, passed on file, to retain place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Hubbell asked for and was granted unanimous consent to withdraw Senate Bill No. 607—An Act to amend Section 1415 of the Civil Code of the State of California, relating to the appropriation and the notice of appropriation of water—and to substitute therefor on file Senate Bill No. 882.

Senate Bill No. 607 withdrawn and ordered stricken from the file, and Senate Bill No. 882 substituted therefor on file.

Senate Bill No. 882—An Act to add a new section to the Political Code of the State of California, to be known as Section 460, relating to the office of the Treasurer of State.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 348—An Act for the better protection of fruit and berry-growers, and to prevent the fraudulent labeling of fruit and berries.

On motion of Senator Sanford, passed on file, to retain place.

Senate Bill No. 648—An Act directing the condemnation and destruction of all personal property used in the commission of a public offense, and providing a mode of condemnation thereof, and for the payment of extra labor employed therein.

On motion of Senator Williams, passed on file, to retain place.

Senate Bill No. 483—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on executions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 483 passed by the following vote :

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 653—An Act to regulate the sale of commercial fertilizers or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act.

On motion of Senator Caldwell, passed on file, to retain place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Caldwell asked for and was granted unanimous consent to withdraw Senate Bill No. 586—An Act to amend Section 1375 of the Political Code, relating to primary elections—and substitute therefor on file Assembly Bill No. 686.

Senate Bill No. 586 withdrawn and ordered stricken from the file, and Assembly Bill No. 686 substituted therefor on file.

Assembly Bill No. 686—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be designated as 177½, relating to the appointment of a deputy by the Treasurers of counties of the twentieth class, and to the amount and payment of the salary of such deputy.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 686 finally passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 396—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto a new section,

to be designated as Section 779, relative to the election, in municipal corporations of the fifth class, of a board of fifteen freeholders to frame a charter for the government of any such municipality.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 397—An Act to appropriate the sum of \$257.05 to pay the claim of Dr. C. H. Blemmer for money due and owing the said Dr. C. H. Blemmer from the State of California.

On motion of Senator Devlin, passed on file, to retain place.

Senate Bill No. 438—An Act to amend "An Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March 9, 1887.

On motion of Senator Luchsinger, passed on file, to retain place.

Senate Bill No. 795—An Act providing that in any city or city and county in this State where, by general law or by charter, the Board of Police Commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language; and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply; and providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

On motion of Senator Tyrrell of San Francisco, passed on file, to retain place.

Senate Bill No. 380—An Act to prevent delay in judicial proceedings.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Devlin moved a call of the Senate.

Motion carried.

Time, ten o'clock and fourteen minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bunkers, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Pendleton, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, and Woodward—23.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and sixteen minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Devlin.

Whereupon the President pro tem. announced that Senate Bill No. 380 was passed by the following vote:

AYES—Senators Bunkers, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, and Woodward—23.

NOES—Senator Shortridge—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

ADJOURNMENT.

At ten o'clock and twenty minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate adjourned until Monday, March 9, 1903, at ten o'clock A. M., in accordance with a motion carried this day.

IN SENATE.

SENATE CHAMBER,
Monday, March 9, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Bunkers, Coggins, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Muentner, Nelson, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—30.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, March 6, 1903, the further reading was dispensed with, on motion of Senator Luchsinger.

APPROVAL OF JOURNALS.

The Journals of Wednesday, March 4th, and Thursday, March 5, 1903, having been corrected, were read and approved.

COMMUNICATIONS.

The President laid before the Senate the following communications, which were read and ordered printed in the Journal:

OAKLAND, March 6, 1903.

WHEREAS, The improvement of the water front of San Francisco is necessary to afford proper facilities for commerce on the Bay of San Francisco; and

WHEREAS, Our interests are identical with those of San Francisco in the development of the terminal, shipping, and general transportation facilities on the Bay of San Francisco; and

WHEREAS, The funds now available for the purpose of this improvement and development are not adequate to allow the Board of State Harbor Commissioners to make such improvement; and

WHEREAS, The bills known as Senate Bill No. 780, which is identical with Assembly Bill No. 925, and Assembly Bill No. 937, which is identical with Senate Bill No. 896, now before the Legislature of the State of California, are intended to accomplish this purpose; now, therefore, be it

Resolved, That the Oakland Board of Trade does hereby indorse the bills above named and respectfully requests the honorable Senate and Assembly of the State of California, now in session, to enact legislation as provided for in said Senate Bill No. 780 and Assembly Bill No. 925, and said Assembly Bill No. 937 and Senate Bill No. 896; and be it further

Resolved, That a copy of this preamble and resolution be sent to each member of the said Senate and said Assembly of the State of California.

[SEAL]

OAKLAND BOARD OF TRADE.

SOL KAHN, President.

EDWIN STEARNS, Secretary.

Also:

OAKLAND, March 6, 1903.

WHEREAS, The improvement of the water front of San Francisco is necessary to afford proper facilities for commerce on the Bay of San Francisco; and

WHEREAS, Our interests are identical with those of San Francisco in the development of the terminal, shipping, and general transportation facilities on the Bay of San Francisco; and

WHEREAS, The funds now available for the purpose of this improvement and development are not adequate to allow the Board of State Harbor Commissioners to make such improvement; and

WHEREAS, The bills known as Senate Bill No. 780, which is identical with Assembly Bill No. 925, and Assembly Bill No. 937, which is identical with Senate Bill No. 896, now before the Legislature of the State of California, are intended to accomplish this purpose; now, therefore, be it

Resolved, That the Merchants' Exchange of Oakland does hereby indorse the bills above named, and respectfully requests the honorable Senate and Assembly of the State of California, now in session, to enact legislation as provided for in said Senate Bill No. 780 and Assembly Bill No. 925, and said Assembly Bill No. 937 and Senate Bill No. 896; and be it further

Resolved, That a copy of this preamble and resolution be sent to each member of the said Senate and said Assembly of the State of California.

MERCHANTS' EXCHANGE OF OAKLAND.

THEO. GIER, President.

WILBER WALKER, Secretary.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 914—An Act to appropriate the sum of \$5,000 to pay the amount of a judgment against the State of California, and in favor of Robert Y. Hayne, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Senate Bill No. 914 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 203—An Act authorizing the Regents of the State University to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Assembly Bill No. 203 read first time, and referred to Committee on Finance.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 918—An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2524a, relating to the powers of the Board of State Harbor Commissioners—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WELCH, Chairman.

Senate Bill No. 918 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 7, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 368—An Act to amend Section 1665 of the Political Code of the State of California, relating to the branches of instruction in the public schools.

Senate Bill No. 660—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

Senate Bill No. 371—An Act making an appropriation to pay the claim of H. W. Randal, for the reward offered by the State of California for the arrest of Josef E. Blanthier, for murder.

Senate Bill No. 563—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

HUBBELL, Chairman.

Senate Bills Nos. 368, 660, 371, and 563 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 385—An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Senate Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to salaries of officers of counties of the third class.

Senate Bill No. 896—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners.

Senate Bill No. 652—An Act to amend Section 869 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, amended March 14, 1885, relative to the taking and authentication of testimony on examination in criminal cases, and to provide for the fees to be paid therefor.

Senate Bill No. 649—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding seven new sections thereto, to be numbered Sections 637b, 637c, 637d, 637e, 637f, 637g, 637h, all relating to the protection of birds other than game birds, and their nests and eggs.

Senate Bill No. 818—An Act to amend Section 7 of the Penal Code, relating to definitions.

HUBBELL, Chairman.

Senate Bills Nos. 385, 578, 896, 652, 649, and 818 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 913—An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River, to maintain condemnation suits therefor, and making an appropriation to pay for said right of way and the costs and expenses of obtaining the same.

Also: Senate Bill No. 468—An Act to provide for the payment by the State or counties, or cities, or cities and counties, of the premium or charge on official bonds when given by surety companies.

And report that the same have been correctly enrolled, and presented the same to the Governor on the 7th day of March, 1903, at three o'clock P. M.

HUBBELL, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 7, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 5—An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor.

Also: Senate Bill No. 291—An Act appropriating the sum of \$100,000 for the purchase of a site and for the erection, equipment, and furnishing of a building or buildings, for the use of the San Francisco State Normal School.

Also: Senate Bill No. 792—An Act creating a State commission on voting or balloting machines, defining their powers, and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city or town, at any or all elections held therein, and for ascertaining the result at such elections; and providing for the punishment of all violations of the provisions of this Act.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 7th day of March, 1903, at four o'clock and ten minutes P. M.

HUBBELL, Chairman.

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 201 thereof, relating to the compensation of officers of counties of the forty-fourth class.

Also: Assembly Bill No. 856—An Act to amend Section 207 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to the compensation of officers of the counties of the fiftieth class.

Also: Assembly Bill No. 858—An Act to amend Section 36 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to counties of the thirty-second class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the County Surveyor.

Also: Assembly Bill No. 863—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and amended March 23, 1901, by amending Section 190 thereof, relating to the compensation of officers of counties of the thirty-third class.

Also: Assembly Bill No. 955—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 509—An Act entitled an Act to amend subdivision nine of Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," relating to the office of county detective, creating the same and fixing the salary thereof—have had the same under consideration, and respectfully report the same back without recommendation.

WOODWARD, Chairman.

Assembly Bills Nos. 802, 856, 858, 863, 955, and 509 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 7, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 911—An Act making an appropriation to pay the claim of the County of Monterey for

moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Also: Senate Bill No. 769—An Act making an appropriation to pay the claim of the County of Santa Cruz for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Also: Senate Bill No. 908—An Act making an appropriation to pay the claim of the County of Butte for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Also: Senate Bill No. 910—An Act making an appropriation to pay the claim of the County of San Luis Obispo for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Also: Senate Bill No. 909—An Act making an appropriation to pay the claim of the County of San Benito for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Also: Assembly Bill No. 794—An Act to provide for the payment to George A. Stone of the funeral expenses of the late Adjutant-General W. H. Seamans, and making an appropriation therefor.

Also: Assembly Bill No. 561—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 275—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

Also: Assembly Bill No. 811—An Act to provide for the preservation, improvement, and maintenance of the "California Redwood Park," in Santa Cruz County, and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

DEVLIN, Chairman.

Senate Bills Nos. 911, 769, 908, 910, and 909, and Assembly Bills Nos. 794, 561, 275, and 811 ordered on file.

RESOLUTION.

The following resolution was offered:

By Senator Belshaw:

Resolved, That Section 2 of Article IV of the Constitution and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senators Belshaw, Knowland, Smith, Hahn, and Lardner be and are hereby permitted to introduce Senate Bills Nos. 919, 920, 921, 922, 923, and Senate Constitutional Amendments Nos. 24 and 25.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Muenter, Nelson, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—28.

NOES—None.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bills, etc., were introduced:

By Senator Belshaw: Senate Constitutional Amendment No. 24—To propose to the people of the State of California an amendment to the Constitution of the State amending Section 3 of Article XII, relative to the individual liability of stockholders in corporations.

Referred to Committee on Constitutional Amendments.

Also: Senate Constitutional Amendment No. 25—To propose to the people of the State of California an amendment to the Constitution of

the State repealing Section 15 of Article XII, relative to restrictions upon corporations organized outside this State.

Referred to Committee on Constitutional Amendments.

By Senator Knowland: Senate Bill No. 919—An Act making an appropriation to pay the claim of Martin Brothers against the State of California.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 920—An Act to repeal an Act entitled "An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purposes," approved February 19, 1901.

Bill read first time, and ordered on file without reference to committee.

By Senator Hahn: Senate Bill No. 921—An Act to amend Section 159½ of the Penal Code, making it a misdemeanor to advertise to obtain or procure a divorce or nullity of marriage, or in anywise to advertise the word divorce or any word affecting domestic relations.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lardner: Senate Bill No. 922—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Bill read first time, and referred to Committee on Judiciary.

By Senator Smith: Senate Bill No. 923—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901.

Bill read first time, and referred to Committee on Commissions, Retrenchment, and Reform.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Knowland asked for and was granted unanimous consent to have Senate Bill No. 882 taken up for immediate consideration.

Senate Bill No. 882—An Act to add a new section to the Political Code of the State of California, to be known as Section 460, relating to the office of the Treasurer of State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 882 passed by the following vote:

AYES—Senators Bauer, Coggins, Curtin, Devlin, Flint, Hahn, Hubbell, Knowland, Muentner, Nelson, Ralston, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—21.

NOES—Senator Leavitt—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Senator Ralston moved that the Senate proceed to immediately consider the special file of Assembly bills.

Motion carried.

Assembly Constitutional Amendment No. 12—To propose to the people of the State of California an amendment to the Constitution of the

State of California, amending Section 23 of Article IV of said Constitution, relating to the salary of members of the Legislature and attachés thereof.

During the reading of the constitutional amendment, the following amendments were submitted by committee:

Amend by striking out the words "one thousand" after the word "of," in line ten, first page, printed bill, and inserting in lieu thereof the following: "fifteen hundred."

Amendment lost.

Also:

Amend by striking out the words "for any extra session of the Legislature each member shall receive, in addition to the mileage and contingent expenses herein provided, a per diem salary at the rate of eight dollars per day," in line fifteen, first page, and in lines sixteen, seventeen, and eighteen, second page, printed bill.

Amendment lost.

On motion of Senator Smith, passed on file, to retain place.

Assembly Bill No. 537—An Act to amend Section 501 of the Civil Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 537 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Curtin, Devlin, Diggs, Emmons, Greenwell, Hubbell, Knowland, Leavitt, Muentner, Nelson, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, and Woodward—23.

NOES—Senator Savage—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Devlin:

Resolved, That Senate Bill No. 912 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Curtin, Devlin, Diggs, Emmons, French, Greenwell, Hubbell, Knowland, Leavitt, Muentner, Nelson, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—27.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 912—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 912 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Curtin, Devlin, Diggs, French, Hubbell, Knowland, Leavitt, Muentner, Nelson, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city, in the Bay of Monterey."

HUBBELL, Chairman.

Senate Bill No. 520 ordered on file.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Constitutional Amendment No. 5—A resolution to propose to the people of the State of California an amendment to Section 10 of Article XIII of the Constitution of the State of California, in relation to revenue and taxation.

SPECIAL FILE FOR SENATE AND ASSEMBLY CONSTITUTIONAL AMENDMENTS.

During the reading of Assembly Constitutional Amendment No. 5, Senator Smith moved that all the Senate and Assembly constitutional amendments be placed on a special file, the same to be considered at some time to be hereafter set.

Motion carried.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 314—An Act to add a new section to the Penal Code of the State of California, to be numbered 373a, making a continuance of a public nuisance after notice from a Health Officer or District Attorney to remove or abate the same a misdemeanor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 314 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Curtin, Diggs, French, Greenwell, Hubbell, Leavitt, Muentner, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 546—An Act to amend Section 14 of the Civil Code of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 546 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Curtin, Diggs, French, Greenwell, Hubbell, Muentner, Nelson, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—21.

NOES—None.

Title read.

The question being, "Are there any amendments to the title?"

Senator Curtin moved to refer to Senator Hubbell, as a special committee of one, to amend as follows:

Amend by adding to the title the words "relating to the definition of words."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 546, with instructions to amend, respectfully reports the same back, amended as per instructions.

HUBBELL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to have Senate Bill No. 524 taken up for immediate consideration.

Senate Bill No. 524—An Act to amend an Act entitled "An Act in relation to municipal elections, where the same are held separate from general State elections, and elections held under authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled 'An Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution,' approved March 31, 1897," approved March 4, 1899, by amending Sections 5, 7, and 8 thereof.

During second reading of bill, the following amendment was submitted by committee:

Amend section two, second page of printed bill, by striking out all the words after the word "two," in line ten, down to and including the word "two," in line twenty-three, second page of printed bill.

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 35—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State, in relation to erections and buildings."

Read third time.

On motion of Senator Smith, passed on file, to retain place.

Assembly Bill No. 40—An Act to amend subdivision five of Section 542 of the Code of Civil Procedure of the State of California, relating to the attachment of real and personal property, and directing how growing crops may be attached.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 40 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Curtin, Devlin, Diggs, Greenwell, Hahn, Leavitt, Muentner, Nelson, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 493—An Act to amend Article VI of Chapter XIV of Title II of Part III of the Code of Civil Procedure of the State of California by adding thereto a new section, to be numbered 1810, relating to the sale of real estate by guardians of incompetent persons in certain cases, and providing procedure under which contracts for the sale of real estate made by persons prior to becoming incompetent may be carried into effect or otherwise disposed of.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 493 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Leavitt, Muentner, Nelson, Oneal, Plunkett, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code of the State of California, relating to County Boards of Education.

On motion of Senator Flint, passed on file, to retain place.

LEAVE OF ABSENCE.

Senator Corlett was, on motion of Senator Luchsinger, granted leave of absence for the day.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 300—An Act to amend Section 1817 of the Political Code, relating to the duties of County Superintendents of Schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 300 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Devlin, Diggs, French, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock and thirty minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Devlin moved that the vote whereby Senate Bill No. 377—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles, or jars, making it a misdemeanor, and providing penalties for the violation thereof—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Devlin, Diggs, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—30.

NOES—None.

Bill ordered placed on file for passage.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 332—An Act to provide for the change of name of school districts, and the manner of making such change.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 332 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Curtin, Devlin, Diggs, Emmons, Flint, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 622—An Act to amend Section 457 of the Political Code.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE DENIED.

Pending the announcement of the vote, Senator Devlin moved a call of the Senate.

Motion lost.

Whereupon the President pro tem. announced that Assembly Bill No. 622 was refused passage by the following vote:

AYES—Senators Curtin, Emmons, Hahn, Hubbell, Knowland, Lardner, Muentner, Nelson, Plunkett, Selvage, Smith, Welch, Wolfe, and Woodward—14.

NOES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Devlin, Diggs, Flint, Greenwell, Leavitt, Luchsinger, Oneal, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Williams—21.

NOTICE OF MOTION TO RECONSIDER.

Senator Devlin gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 622 was this day refused passage.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 571—An Act to amend Section 485 of the Political Code, and to provide for the appointment of a Deputy Surveyor-General and Assistant Surveyor-General, and a clerk for the Surveyor-General, and to fix their compensation.

On motion of Senator Oneal, passed on file, to retain place.

Assembly Bill No. 44—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

On motion of Senator Hubbell, passed on file, to retain place.

Assembly Bill No. 205—An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 205 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Curtin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 576—An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 576 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Curtin, Devlin, Diggs, Emmons, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Plunkett, Sanford, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

TRANSPOSITION OF BILLS ON FILE.

Senator Selva moved that Senate Bills Nos. 277 and 350 be transposed on file.

Motion carried.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 227—An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 227 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Diggs, Emmons, Flint, French,

Hubbell, Lardner, Leavitt, Muentner, Plunkett, Sanford, Selvage, Shortridge, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At twelve o'clock m., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

Assembly Bill No. 261—An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 261 refused passage by the following vote:

AYES—Senators Bauer, Coggins, Curtin, Devlin, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Oneal, Ralston, Rowell, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Woodward—17.

NOES—Senators Belshaw, Bunkers, Caldwell, Diggs, Emmons, French, Hubbell, Nelson, Plunkett, Sanford, Savage, Selvage, Shortridge, Ward, and Williams—15.

NOTICE OF MOTION TO RECONSIDER.

Senator Ward gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 261 was this day refused passage.

At twelve o'clock and fifteen minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 293—An Act to amend Section 382 of the Penal Code of the State of California, relating to the adulteration and dilution of articles of food, drink, drugs, medicines, spirituous or malt liquors, or wine, or any article useful in compounding them, and providing punishment for the same.

On motion of Senator Wolfe, passed on file, to retain place.

Assembly Bill No. 75—An Act to provide for the joint investigation, with the Federal Government, of the water resources of the State, and of the best methods of preserving the forests thereof; appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State, and making an appropriation for the expenses of such investigations.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 75 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Devlin, Emmons, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—29.

NOES—Senator French—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Hubbell, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted, as amended, Assembly Concurrent Resolution No. 11—Relative to adjournment sine die of the Legislature of the thirty-fifth session.

Also: Assembly Concurrent Resolution No. 15—Relative to leave of absence from the State of Assemblymen Goodrich, Transue, Stanton, Snyder, and Amerige for a period of six months.

Also: Passed (as a case of urgency) Assembly Bill No. 966—An Act to authorize municipal corporations to declare all or any of their bonded indebtedness to be at once due and payable, to compromise such bonded indebtedness, and to consent to a judgment in favor of the holders of the same.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Concurrent Resolution No. 11 referred to Committee on Rules.

Assembly Concurrent Resolution No. 15 ordered on file without reference to committee.

Assembly Bill No. 966 read first time, and, on motion of Senator Hubbell, ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 544; also, Assembly Bill No. 201; also, Assembly Bill No. 424; also, Assembly Bill No. 521; also, Assembly Bill No. 686; also, Assembly Bill No. 398.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Hubbell:

Resolved, That Assembly Bill No. 966 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

Senator Knowland moved to amend by adding that Senate Bills Nos. 916 and 917 be included in the resolution.

Motion lost.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Oneal, Plunkett, Ralston, Rowell, Savage, Selva, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—28.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 966—An Act to authorize municipal corporations to declare all or any of their bonded indebtedness to be at once due and payable, to compromise such bonded indebtedness, and to consent to a judgment in favor of the holders of the same.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 966 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Diggs, Emmons, Flint, French, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Plunkett, Rowell, Savage, Selva, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Rowell, Sanford, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—31.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 65—An Act to amend Section 685 of the Code of Civil Procedure, relating to executions.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 65 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Sanford, Savage, Selva, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 313—An Act to amend Section 1 of an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of its proceeds,' approved March 23, 1893,' approved March 9, 1897," which became a law March 14, 1899.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 313 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Sanford, Selva, Smith, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Lukens asked for and was granted unanimous consent to have Assembly Bill No. 18, on the special file of appropriation bills, taken up for immediate consideration.

Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Read third time.

Senator Curtin moved to refer to Senator Lukens, as a special committee of one, to amend as follows:

By inserting in section four, page three, line four, between the words "papers" and "as," the following: "relating to any public institution mentioned in section three of this Act."

Also: Section four, line ten, page four, after the word "matter" and before the word "appertaining," insert the words "relating to public institutions mentioned in section three of this Act."

Also: Amend by striking out of section three, page two, lines six and seven, the words "and such private institutions as receive public funds."

Also: By striking out of section three, page two, line eight, after the word "officers," the words "or boards."

Also: In section three, page two, line nine, after the word "poor," add the following: "in public institutions."

Also: Amend by inserting in section three, page three, line eleven, the word "public" between the words "such" and "institutions."

Also: In section three, page three, line twenty-two, insert the word "public" between the words "all" and "institutions."

Also: By striking out of section three, page three, line twenty-five, after the word "officers," the words "persons or boards."

Also: In section three, page three, line twenty-seven, insert the word "public" between the words "said" and "institutions."

Also: In section three, page three, line thirty-three, insert the word "public" between the words "the" and "institutions."

Also: Amend by striking out of section five, page four, line four, the words "institutions either public or private claiming State aid," and inserting the following words: "public institutions."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 18, with instructions to amend, respectfully reports the same back, amended as per instructions.

LUKENS, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and on file for final passage.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 659—An Act to amend Sections 1895, 1896, 1912, 1913, 1915, 1918, 1922, 1946, 2003, 2004, 2027, to repeal Section 1982, and to add new sections, to be known and numbered as Sections 1979, 2021a, 2022, 2088, 2112, all of and to the Political Code of the State of California, relating to the National Guard, and making it conform to the Federal militia law.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 35—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings."

Read third time this day.

Senator Curtin moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

By striking out of section one, line twenty-two, the word "the," after the first word "in," and inserting in lieu thereof the word "a."

Also: In same line strike out the words "the largest," and insert in lieu thereof the word "general."

Also: Amend by adding to section one, line twenty-four, between the words "paper" and "published," the words "of general circulation."

Also: Amend by striking out of section one, line twenty, the words "the largest," and inserting the words "a general."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 35, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and on file for final passage.

MOTION.

Senator Nelson moved that Assembly Bill No. 517 be taken up out of order for immediate consideration.

The question being on the motion.

The ayes and noes were demanded by Senators Nelson, Williams, and Bunkers.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bunkers, Coggins, Curtin, Emmons, Greenwell, Hahn, Knowland, Lardner, Muentner, Nelson, Plunkett, Ralston, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—17.

NOES—Senators Bauer, Belshaw, Caldwell, Devlin, Diggs, Flint, French, Hubbell, Leavitt, Luchsinger, Oneal, Rowell, Sanford, Savage, Shortridge, and Tyrrell of San Francisco—16.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 409—An Act to amend the Civil Code by adding an additional section to Chapter II, Title II, to be numbered Section 231, relating to adoption.

On motion of Senator Oneal, passed on file, to retain place.

At two o'clock and fifty minutes P. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

Assembly Bill No. 20—An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 20 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Devlin, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—27.

NOES—Senators Bauer, Diggs, Emmons, and Rowell—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 111—An Act to amend Article IV of Chapter III of Title III of Part IV of the Code of Civil Procedure, by adding thereto a new section, relating to taking depositions, to be numbered 2025½.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 193—An Act to repeal Sections 2 and 3 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.

Read third time.

On motion of Senator Tyrrell of Nevada, passed on file, to retain place.

Assembly Bill No. 270—An Act to amend Section 3 of an Act entitled "An Act making an appropriation to the Directors of the California State Agricultural Society for the purpose of paying certain indebtedness, claims, and demands against said Society," approved March 25, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 270 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Curtin, Devlin, Diggs, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 599—An Act making an appropriation to pay the deficiency in the appropriation for repairs to the steam boilers, steam pipes, and elevator plant of the State Capitol building for the fiftieth fiscal year.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 599 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Curtin, Devlin, Diggs, French, Hahn, Lardner, Leavitt, Lukens, Nelson, Oneal, Pendleton, Plunkett, Savage, Selvage, Shortridge, Ward, Welch, Williams, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 426—An Act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same, and providing penalties therefor.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Bunkers moved a call of the Senate.

Motion carried.

Time, three o'clock and ten minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Curtin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner,

Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—35.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and fifteen minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hubbell.

Whereupon the acting President announced that Assembly Bill No. 426 was refused passage by the following vote:

AYES—Senators Bunkers, Emmons, French, Greenwell, Leavitt, Muentner, Nelson, Pendleton, Plunkett, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Welch, Williams, and Wolfe—17.

NOES—Senators Bauer, Belshaw, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Lukens, Oneal, Rowell, Savage, Ward, and Woodward—18.

NOTICE OF MOTION TO RECONSIDER.

Senator Oneal gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 426 was this day refused passage.

SUBSTITUTION OF BILL.

Assembly Bill No. 586—An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," as approved March 28, 1895.

During second reading of bill, the following substitute for Senate Bills Nos. 638, 881, 643, and Assembly Bill No. 586 was submitted by committee:

SUBSTITUTE FOR SENATE BILLS Nos. 638, 881, 643, AND ASSEMBLY BILL No. 586.

An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1 of said Act is hereby amended to read as follows:

Section 1. A commission consisting of one person, as hereinafter designated, is hereby created and established, for the purpose of revising, compiling, creating, amending, systematizing, improving, and reforming the laws of this State.

SEC. 2. Section 2 of said Act is hereby amended to read as follows:

Section 2. The member of said commission shall be known and designated as "The Commissioner for the Revision and Reform of the Law," and the term of office shall be two years from and after the first day of May, 1903. He shall be a member of the legal profession, who shall have, for more than five years prior to his appointment, been engaged in the practice of the law in this State, and who shall have been admitted to practice before the Supreme Court of this State.

SEC. 3. Section 3 of said Act is hereby amended to read as follows:

Section 3. Said commissioner shall be appointed by the Governor prior to the first day of May, 1903, and shall enter upon the performance of his duties on said first day of May, 1903. In case of a vacancy in said commission, by death or resignation, removal or otherwise, a successor to fill such vacancy, for the unexpired term, shall be appointed in like manner.

SEC. 4. Section 4 of said Act is hereby amended to read as follows:

Section 4. The Secretary of State shall, after the appointment of such commissioner, immediately notify such appointee thereof, and issue to such appointee a commission under the Great Seal of this State, notifying him of the passage of said Act, and of his appointment by the Governor. Such appointee shall, upon receiving said notice of his appointment, if he accept the same, take and subscribe an oath of office, which shall be filed in the office of the Secretary of State, and shall, on the first day of May, 1903, enter upon the discharge of his duties.

SEC. 5. Section 5 of said Act is hereby amended to read as follows:

Section 5. Said commissioner shall select and adopt a suitable seal for the authentication of his acts, records, and proceedings. He shall select and appoint a stenographer, who shall act as secretary of said commission, to hold office during the pleasure of said commissioner, who shall assist in the work to be performed and under the supervision of the commissioner.

SEC. 6. Section 6 of said Act is hereby amended to read as follows:

Section 6. 1. It shall be the duty of said commissioner to revise and examine the parts of the Code of Civil Procedure, the Political Code, the Civil Code, and the Penal Code of the State of California, not already revised, under the provisions of an Act of which this Act is amendatory; to note all decisions of the Supreme Court upon sections of the codes herein specified, and to present to the Legislature, at its next session, all sections of the codes which have been declared unconstitutional and have, for any reason, been declared by the Supreme Court as inoperative; and to suggest any such legislation as will remedy defects in existing laws by reason of decisions of the Supreme Court or otherwise; to make and compile an index of all the laws of California, not already completed by the present commission; and to revise and compile a new County Government Act, in accordance with and having regard to decisions of the Supreme Court thereon.

2. To revise and examine all the statutes of this State that have been or shall hereafter be passed by the Legislature thereof and published by the State.

3. He shall ascertain, determine, and designate, according to his best judgment, those statutes now in force, and those expressly or by implication repealed, and report the same to the next Legislature.

4. He shall note and designate the errors, defects, or omissions, verbal, grammatical, or otherwise, and suggest what will be necessary to supply, correct, or amend the same, and such improvements as shall introduce precision and clearness into the wording of the codes and statutes.

5. All or any of the reports, records, or proceedings of said commission shall be printed by the State Printer, on the requisition of said commissioner, when so ordered and directed by said commissioner.

6. Said commissioner shall have the power to order the State Printer to print and deliver to him such number as said commissioner may designate of any report, record, or proceedings of said commission.

7. Said commissioner, shall attend at the capitol, during the sitting of said session of the Legislature, and act as legislative counsel or adviser, in drafting or passing upon the form of any bill, or proposed bill, pending or to be introduced before the Legislature; and also, when requested, give advice to said Legislature, or such committee, as to the form of any proposed legislation, and its effect upon existing laws, and as to whether said bill, as drawn and presented, is so constructed and worded as to carry out the purpose intended, and shall advise as to the constitutionality thereof.

8. Thirty days prior to every session of the Legislature, said commissioner shall make and file with the Secretary of State a report of his transactions relating to legislative matters, or which would give any information or knowledge to said Legislature as to legislation in the past, and as to the policy for future legislation. And he shall also report to said Legislature such suggestions as he may deem proper for the promotion of the public welfare and the best interests of the State, or any locality or citizens thereof, and file therewith schedules or exhibits, showing the form or substance of all proposed legislation which he may recommend. And he shall suggest all such improvements as shall conduce to precision and clearness in the wording of the codes and statutes, and propose such measures as may be necessary to improve or give unity and completeness to the system of the laws of this State. Said reports, schedules, and exhibits shall be printed by the State Printer, upon the requisition and under the supervision of the commissioner. They shall be so printed as to show, in the readiest manner, the changes proposed by the commissioner, and in those cases wherein he shall recommend the repeal of a law, and propose a substitute therefor, such law and substitute shall be printed in the manner most convenient for comparison; and his report, when so printed, shall be mailed to every member who has been elected to sit in such Legislature.

9. Said commissioner shall, at all such times as he may designate by rules and regulations which he may adopt, hear in public such printed or oral arguments as may be addressed to him, for or against any proposed or existing legislation, and a record of all proceedings shall be kept and preserved by the secretary of said commission.

SEC. 7. Section 7 of said Act is hereby amended to read as follows:

Section 7. Said commissioner shall receive for his services, from the State, the sum of thirty-six hundred dollars per annum; such compensation shall be paid in the same manner as the salaries of the Justices of the Supreme Court are now paid.

2. The stenographer of the commission shall receive the sum of one hundred dollars (\$100) per month, payable in like manner as the salary is paid to the commissioner.

3. The expenses incurred by said commission, or commissioner, exclusive of salaries, shall be set forth in detail in an itemized statement, and thereupon a requisition shall be made by said commissioner upon the State Controller, accompanied by the sworn certificate of the commissioner that the services have been performed and the materials used or things furnished, and that said sums are justly due.

4. Said State Controller is hereby directed to draw his warrant on the Treasurer for the payment of said salaries, when due and payable, as herein provided, and also for such sums as are covered by said requisitions, and the Treasurer is hereby directed to pay the same out of any money not otherwise appropriated.

SEC. 8. Section 8 of said Act is hereby amended to read as follows:

Section 8. This Act shall take effect and be in force from and after the fifteenth day of April, 1903; *provided, however*, that the commissioners appointed under the Act of March 23, 1895, of which this Act is amendatory, shall hold office and perform the duties prescribed by said Act, to and including the 30th day of April, 1903, and receive the compensation prescribed by said Act, of which this Act is amendatory.

SEC. 9. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Substitute read and adopted.

The following amendments were offered:

By Senator Selvage:

Amend by adding a new section thereto, to be numbered "Section 10," to read as follows:

"SEC. 10. All Acts and parts of Acts in conflict with this Act are hereby repealed."

Amendment adopted.

Also:

Amend by striking out of section nine, line one, pages six, all after the words "Sec. 9." and in lieu thereof inserting the following: "The commission hereby created shall cease to exist and this Act shall become inoperative on and after the first day of May, 1905."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Assembly Bill No. 269—An Act to appropriate the sum of \$4,150 to pay the claim of the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 269 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Lukens, Muentner, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—26.

NOES—Senator Bauer—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 775—An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places, within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expense of such improvement.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 775 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Curtin, Diggs, Emmons, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Lukens, Nelson, Oneal, Pendleton, Rowell, Sanford, Savage, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 532—An Act to add a new section to the Political Code of the State of California, to be known as Section 1674, providing for the formation of union school districts and the maintenance therein of union schools.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 532 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Lukens, Nelson, Oneal, Pendleton, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Knowland:

Resolved, That Senate Bills Nos. 916 and 917 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—29.

NOES—Senator Savage—1.

CASES OF URGENCY.

Senate Bill No. 916—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 916 passed by the following vote:

AYES—Senators Bauer, Bunkers, Coggins, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Sanford, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—28.

NOES—Senators Belshaw, Caldwell, Hubbell, Rowell, and Savage—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 917—An Act to add four new sections to the Civil Code, to be numbered 581, 582, 583, and 583a, relating to banks and banking.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 917 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Devlin, Diggs, Emmons, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with the notice given on a previous day, Senator Emmons moved that the vote whereby Senate Bill No. 224—An Act to appropriate the sum of \$1,000 to pay the claim of Sergeant-Major Eugene De Sparr—was refused passage, be now reconsidered.

The motion was duly seconded.

Senator Emmons moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 224 was refused final passage be postponed until Wednesday, March 11, 1903.

Motion carried.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON RULES.

MR. PRESIDENT: Your Committee on Rules respectfully report the following resolution, and recommend its adoption:

Resolved, That during the remainder of the present session of the Legislature the remarks, speeches, and arguments of Senators on all bills and other matters which may come before the Senate for consideration be and the same are hereby limited to five minutes for each Senator.

PENDLETON, Chairman.

Report and resolution read.

The following amendment was offered by Senator Oneal:

Amend by striking out the word "five," and in lieu thereof insert the word "one."

Senator Muentner offered the following amendment to the amendment:

Amend as follows: "*provided*, that Senator Shortridge not be limited in time in addressing the Senate."

Amendment lost.

The question being on the adoption of the amendment by Senator Oneal.

Amendment lost.

Report and resolution adopted.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Lukens, the following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 9, 1903.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 58—An Act to provide for giving, conditioning, and executing an undertaking, etc.

Also: Senate Bill No. 352—An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure.

Also: Senate Bill No. 36—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Senate Bill No. 513—An Act to amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians.

Also: Senate Bill No. 50—An Act to provide for giving, conditioning, and executing an undertaking, with sureties, etc.

Also: Senate Bill No. 93—An Act to amend Section 1207 of the Civil Code.

Also: Senate Bill No. 256—An Act to repeal Section 667 of the Penal Code of the State of California, in reference to punishment for second offenses.

Also: Senate Bill No. 254—An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses.

Also: Senate Bill No. 510—An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain.

Also: Senate Bill No. 71—An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same.

GEO. C. PARDEE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 9, 1903.

To the Senate of the State of California:

I have the honor to respectfully return herewith, without my approval, Senate Bill No. 88—Appropriating \$3,046.75 to pay the claim of Marin County against the State for money spent in prosecuting criminal cases originating in the penitentiary at San Quentin, together with my reasons therefor, as follows:

It appears that the claim is made for money thus spent between the years 1857 and 1894. It also appears that a part of the claim is for money expended by Marin County in conducting inquests at the penitentiary under Sections 105, 106, and 111 of the Penal Code, adopted April 6, 1880. These sections do not provide for the collection of such fees from the State after the date of the adoption of these sections. Therefore, the sum of \$1,036 claimed as due for inquests, and made a part of the amount appropriated by this bill, is not a proper charge against the State.

Certain other claims amounting to \$204 embraced in the amount appropriated by this bill are also not proper charges against the State, they having been incurred between January 1, 1873, and April 12, 1880—see statute relating thereto, approved April 12, 1880.

For these reasons, therefore, I return the bill without my approval.

GEO. C. PARDEE,
Governor of the State of California.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 88 sustained by the following vote:

AYES—None.

NOES—Senators Bauer, Belshaw, Bunkers, Coggins, Diggs, Emmons, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—25.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 9, 1903.

To the Senate of the State of California:

I have the honor to respectfully return herewith, without my approval, Senate Bill No. 168, together with my reasons therefor, as follows:

The bill provides, in effect, that three of the nine members of the State Board of Education may transact business. This board is composed of ex-officio members; and the duties they are called upon to perform are public duties of the utmost importance. It ought to be considered so high a duty by the members of the board to attend to its business, that every member thereof, when possible, should lay everything else aside and cheerfully and gladly perform the duties of the board. I am of the opinion that it

is not good public policy to amend the law and lower the number of members required to do the business of the State Board of Education; and I therefore return the bill without my approval.

GEO. C. PARDEE,
Governor of the State of California.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 168 sustained by the following vote:

AYES—None.

NOES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Curtin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Lukens, Muentner, Nelson, Oneal, Ralston, Rowell, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—28.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 9, 1903. }

To the Senate of the State of California:

I have the honor to respectfully return herewith, without my approval, Senate Bill No. 349, for the reason that, in my judgment, the condition of the State treasury will not permit the payment, at this time, of claims of this class.

GEO. C. PARDEE,
Governor of the State of California.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 349 sustained by the following vote:

AYES—None.

NOES—Senators Bauer, Belshaw, Caldwell, Coggins, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Lukens, Muentner, Nelson, Oneal, Rowell, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—24.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator French:

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby instructed to detail two Porters with a basket to transfer the Senate files from the Senate chamber to room 17, and from room 17 to the Senate chamber.

Resolution read and adopted.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Assembly Bill No. 369—An Act to prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses where intoxicating liquors are sold—have had the same under consideration, and respectfully report the same back, and recommend that said bill do not pass.

JOHN G. TYRRELL, Chairman.

Assembly Bill No. 369 ordered on file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Nelson:

Resolved, That the evening session of this Senate upon Monday, March 9, 1903, after the consideration of Senate Bill No. 562, be devoted to the consideration of the special appropriation file.

Resolution read and adopted.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 6, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 901—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUKENS, Chairman.

Assembly Bill No. 901 ordered on file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered by Senator Emmons:

WHEREAS, Three members of the minority have been engaged on an important committee, and have arrears of business that must be attended to; therefore, be it

Resolved, That J. A. Vaughan be employed as clerk for said minority at a compensation of five dollars (\$5) per day, payable out of the Contingent Fund of the Senate; said employment and compensation to date from and include March 6, 1903, and the Controller is authorized to draw his warrant for the same and the Treasurer is hereby directed to pay the same.

Resolution read.

Senator Emmons moved that the rules be suspended for the purpose of immediately considering the resolution.

The question being on the motion to suspend the rules.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bunkers, Emmons, French, Greenwell, Muentner, Nelson, Oneal, Plunkett, Selvage, Shortridge, Welch, Williams, and Wolfe—13.

NOES—Senators Bauer, Belshaw, Caldwell, Coggins, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Pendleton, Ralston, Rowell, Savage, Ward, and Woodward—17.

Resolution referred to Committee on Contingent Expenses and Mileage.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Bill No. 785—An Act to amend Section 872 of an Act entitled "An Act to provide for the organization, incorporation and government of municipal corporations thereon," approved March 13, 1883, and an Act amendatory thereof, approved March 18, 1897, relating to powers of the Board of Trustees of cities of the sixth class—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

SAVAGE, Chairman.

Senate Bill No. 785 ordered on file.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 604—An Act to amend Section 1791 of the Political Code of the State of California, relating to city and county boards of examination—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 605—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ROWELL, Chairman.

Assembly Bills Nos. 604 and 605 ordered on file.

NOTICE OF MOTION TO RECONSIDER.

Senator Hahn gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 40 was this day passed.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Oneal asked for and was granted unanimous consent to have Assembly Bill No. 212 taken up for immediate consideration.

Assembly Bill No. 212—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 212 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Curtin, Diggs, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Tyrrell of San Francisco, Ward, Wolfe, and Woodward--24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON MINING.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your Committee on Mining, to whom was referred Assembly Bill No. 30—An Act to provide for the appointment of the "Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the Inspector of Mines—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended, and be re-referred to Committee on Finance.

RALSTON, Chairman.

Assembly Bill No. 30 referred to Committee on Finance.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Hubbell asked for and was granted unanimous consent to have Assembly Bill No. 415 taken up for immediate consideration.

Assembly Bill No. 415—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by omitting from subdivision twenty-one of said Section 25 the provision forbidding the purchase of supplies, printing, stationery, or books from persons or firms whose paper has not been published, or whose place of business established, in the county for one or more years prior to the time for fixing prices, and adding a provision in place of the part omitted that no supplies of printed or lithographed, or partly printed stationery or blanks, or blank books, printed or partly printed or partly lithographed, shall be procured or purchased, unless such articles have been printed and bound or lithographed or will be printed and bound or lithographed and manufactured in the State of California; all job printing and lithographing and advertising under this section shall be done in the State of California.

Read third time on a previous day.

Senator Hubbell moved to refer to Senator Woodward, as a special committee of one, to amend as follows:

By striking out of section thirty-eight, line four hundred and one, page fourteen, the words "outside of any incorporated city or town."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 415, with instructions to amend, respectfully reports the same back, amended as per instructions.

WOODWARD, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and on file for final passage.

Senator Lardner asked for and was granted unanimous consent to have Assembly Bill No. 743 taken up for immediate consideration.

Assembly Bill No. 743—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class.

Bill read second time, and ordered on file for third reading.

Senator Selvage asked for and was granted unanimous consent to have Senate Bill No. 583 taken up for immediate consideration.

Senate Bill No. 583—An Act to amend Section 3805a of the Political Code, which amendment relates to the cancellation of assessments on State school lands, certificates of tax sales and tax deeds issued thereon, where a judgment or decree of court foreclosing the certificate of purchase thereon has been given and entered.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 583 passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, Wolfe, and Woodward—23.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At four o'clock and twenty-three minutes P. M., on motion of Senator Wolfe, the acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Bunkers, Caldwell, Coggins, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—24.

Quorum present.

LEAVE OF ABSENCE.

Senator Belshaw was, on motion of Senator Coggins, granted leave of absence for the day.

THIRD READING OF BILLS—WITHDRAWAL OF JOINT RESOLUTION AND SUBSTITUTION OF BILL.

Senator Emmons asked for and was granted unanimous consent to withdraw Senate Joint Resolution No. 5—Relative to Venezuela affairs—and substitute therefor on file Senate Bill No. 627.

Senate Joint Resolution No. 5 withdrawn and ordered stricken from the file, and Senate Bill No. 627 substituted therefor on file.

Senate Bill No. 627—An Act to prevent injury to oil or petroleum bearing strata or formations by the infiltration or intrusion of water therein.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 627 passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Coggins, Diggs, Emmons, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Welch asked for and was granted unanimous consent to withdraw Senate Bill No. 557—An Act to amend Section 686 of the Penal Code, relating to the rights of defendant in a criminal action—and substitute therefor on file Senate Bill No. 790.

Senate Bill No. 557 withdrawn and ordered stricken from the file, and Senate Bill No. 790 substituted therefor on file.

Senate Bill No. 790—An Act to amend Section 4 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provision of the Constitution, without the Governor's approval, March 7, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 790 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Diggs, Emmons, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muenter, Nelson, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

THIRD READING OF BILL.

Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 520 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Diggs, Emmons, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muenter, Plunkett, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Selva~~ge~~ gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 583 was this day passed.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Wolfe asked for and was granted unanimous consent to have Senate Bill No. 665 taken up for immediate consideration.

Senate Bill No. 665—An Act to amend Sections 3571 and 3572 of the Political Code of the State of California, relating to public lands.

Bill read second time, considered engrossed, and ordered on file for third reading.

At eight o'clock and twenty-five minutes P. M., Hon. J. B. Curtin, State Senator from the Twelfth Senatorial District, in the chair.

THIRD READING OF BILLS—(RESUMED).

Senate Bill No. 368—An Act to amend Section 1665 of the Political Code, relating to branches in instruction in the public schools of this State.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 368 passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Curtin, Diggs, Emmons, French, Hahn, Hubbell, Lardner, Luchsinger, Lukens, Muentner, Nelson, Plunkett, Rowell, Sanford, Savage, Selva~~ge~~, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Emmons asked for and was granted unanimous consent to have Assembly Bill No. 84 taken up for immediate consideration.

Assembly Bill No. 84—An Act to appropriate \$59,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Senator Caldwell asked for and was granted unanimous consent to have Assembly Bill No. 872 taken up for immediate consideration.

Assembly Bill No. 872—An Act to appropriate the sum of \$140 to pay the claim of R. P. Marquez, for money due and owing the said R. P. Marquez, based upon a judgment recovered by the said R. P. Marquez against the State of California in the Superior Court of Orange County, California, on the 21st day of April, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Bill read second time, and ordered on file for third reading.

Senator Lukens asked for and was granted unanimous consent to have Assembly Bill No. 570 taken up for immediate consideration.

Assembly Bill No. 570—An Act making an appropriation for repairs and improvements at the "Industrial Home of Mechanical Trades for the Adult Blind."

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bill No. 562, with a motion to appoint a special committee of one to amend pending, was taken up.

Senate Bill No. 562—An Act to declare the Associated Press and all other associations, companies, and corporations of a similar nature common carriers, and to provide penalties for discrimination between patrons thereof, or persons desiring to become patrons thereof.

Read third time on a previous day.

The question being on the motion of Senator Pendleton to refer to Senator Smith, as a special committee of one, to amend as follows:

By striking out the enacting clause.

The question being on the motion to strike out the enacting clause.

The ayes and noes were demanded by Senators Hahn, Pendleton, and Muentner.

The roll was called, and the motion lost by the following vote:

AYES—Senator Lukens—1.

NOES—Senators Bauer, Bunkers, Caldwell, Coggins, Curtin, Devlin, Diggs, Emmons, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Ralston, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—27.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 562 refused passage by the following vote:

AYES—Senators Coggins, Curtin, Emmons, Muentner, Ralston, Shortridge, Tyrrell of San Francisco, and Williams—8.

NOES—Senators Bunkers, Caldwell, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Rowell, Sanford, Savage, Smith, Ward, Wolfe, and Woodward—19.

At nine o'clock and twenty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS.

The consideration of the special file of appropriation bills having been made a special order for this hour, the same was taken up.

Senate Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties, and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological research.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 429 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Rowell, Savage, Smith, Ward, Welch, Williams, Wolfe, and Woodward—24.

NOES—Senators Hubbell, Muentner, and Pendleton—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of \$5,880, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Ward moved a call of the Senate.

Motion carried.

Time, nine o'clock and thirty minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Rowell, Sanford, Savage, Selva, Ward, Welch, Williams, Wolfe, and Woodward—29.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At nine o'clock and thirty-two minutes P. M., further proceedings under call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the President announced that Assembly Bill No. 3 had been finally passed by the following vote:

AYES—Senators Byrnes, Caldwell, Coggins, Diggs, Emmons, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Rowell, Sanford, Selva, Shortridge, Ward, Williams, and Woodward—23.

NOES—Senators Bauer, Bunkers, and Wolfe—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 429 was this day passed.

CONSIDERATION OF SPECIAL FILE—(RESUMED).

Assembly Bill No. 4—An Act making an appropriation to pay a judgment for the sum of \$8,655, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant, numbered 11,875, which judgment was entered and recorded

on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 393.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 4 finally passed by the following vote:

AYES—Senators Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Shortridge, Ward, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 5—An Act making an appropriation to pay a judgment for the sum of \$3,195, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant, numbered 11,874, which judgment was entered and recorded on May 9, 1902, in Judgment Book No. 20 of Department One of said Superior Court, at page 221.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 5 finally passed by the following vote:

AYES—Senators Bunkers, Byrnes, Coggins, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 469—An Act making an appropriation to pay a judgment for the sum of \$1,320, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Bank of Commerce, a corporation, plaintiff, versus The People of the State of California, defendant, numbered 11,828, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department Two of said Superior Court, at page 391.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 469 finally passed by the following vote:

AYES—Senators Coggins, Devlin, Diggs, Flint, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 98—An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw in the Superior Court of San Benito County, November 30, 1901, for and on account of claims for bounty on coyote scalps.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 98 finally passed by the following vote:

AYES—Senators Bunkers, Byrnes, Coggins, Devlin, Diggs, Emmons, Flint, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Ward, and Woodward—23.

NOES—Senator Bauer—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Bill No. 914—An Act to appropriate the sum of \$5,000 to pay the amount of a judgment against the State of California, and in favor of Robert Y. Hayne, and directing the State Controller to draw his warrant for the same, and the State Treasurer to pay the same—and report that the same has been correctly enrolled, and presented the same to the Governor on this 9th day of March, 1903, at four o'clock and fifteen minutes P. M.

HUBBELL, Chairman.

CONSIDERATION OF SPECIAL FILE—(RESUMED).

Assembly Bill No. 367—An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 367 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Devlin, Diggs, Emmons, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Pendleton, Plunkett, Ralston, Rowell, Selvage, Tyrrell of San Francisco, Ward, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 179—An Act making an appropriation for the California Polytechnic School.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 179 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Devlin, Diggs, Emmons, Flint, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Pendleton, Ralston, Rowell, Sanford, Savage, Tyrrell of San Francisco, Ward, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 238—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 238 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Devlin, Diggs, Emmons, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Nelson, Pendleton, Ralston, Savage, Smith, Tyrrell of San Francisco, Ward, and Woodward—22.

NOES—Senator Muenther—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL AND SUBSTITUTION OF BILLS.

Senator Woodward asked for and was granted unanimous consent to withdraw Senate Bill No. 341—An Act to provide for the purchase of fire apparatus and machinery, and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor—and substitute therefor on file Assembly Bill No. 697.

Senate Bill No. 341 withdrawn and ordered stricken from the file, and Assembly Bill No. 697 substituted therefor on file.

Assembly Bill No. 697—An Act to provide for the purchase of fire apparatus and machinery, and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

During second reading of bill, the following amendment was offered:

By Senator Woodward:

Amend by striking out of section one, line five, the word "production," and inserting the word "protection."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senator Woodward asked for and was granted unanimous consent to withdraw Senate Bill No. 322—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor—and substitute therefor on file Assembly Bill No. 560.

Senate Bill No. 322 withdrawn and ordered stricken from the file, and Assembly Bill No. 560 substituted therefor on file.

Assembly Bill No. 560—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Bill read second time, and ordered on file for third reading.

Senator Woodward asked for and was granted unanimous consent to withdraw Senate Bill No. 324—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor—and substitute therefor on file Assembly Bill No. 562.

Senate Bill No. 324 withdrawn and ordered stricken from the file, and Assembly Bill No. 562 substituted therefor on file.

Assembly Bill No. 562—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF SPECIAL FILE—(RESUMED).

Assembly Bill No. 159—An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos, and the construction of a new power-house at the Veterans' Home located at Yountville, Napa County, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 159 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Savage, Selva, Smith, Tyrrell of San Francisco, Ward, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Bauer asked for and was granted unanimous consent to withdraw Senate Bill No. 407—An Act making an appropriation of \$22,000 for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Senate Bill No. 407 withdrawn and ordered stricken from the file.

CONSIDERATION OF SPECIAL FILE—(RESUMED).

Senate Bill No. 20—An Act to appropriate \$25,000 for the establishment and support of a school of forestry in the University of California, and providing for the payment of such appropriation.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 20 passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Devlin, Diggs, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selva, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—25.

NOES—Senators Bunkers and Flint—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Hubbell moved that Senate Bill No. 110—An Act to provide for building, equipping, and furnishing one cottage for male patients at the Southern California State Hospital, and to make an appropriation for the same—be placed at the foot of the file for the third reading of bills, and that Senate Bill No. 636 be considered in its stead.

Senate Bill No. 636—An Act to amend Section 1416 of the Civil Code, and to add one new section to the Civil Code, to be numbered 1422, relating to appropriation of water, and work to be done by the claimant.

During second reading of bill, the following amendments were offered:

By Senator Hubbell:

Amend by striking out section one, and renumbering section two as section one.

Amendment adopted.

Also:

By striking out the word "natural," in line six, page two, and inserting in lieu thereof the word "national."

Amendment adopted.

Also:

Amend title by striking out the words "to amend Section 1416 of the Civil Code, and."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Pendleton asked for and was granted unanimous consent to withdraw Senate Bill No. 164—An Act to provide for the payment of the salary of the Secretary of the State Engineer for the forty-first, forty-second, and forty-third fiscal years—and substitute therefor on file Senate Bill No. 660.

Senate Bill No. 164 withdrawn and ordered stricken from the file, and Senate Bill No. 660 substituted therefor on file.

Senate Bill No. 660—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 660 passed by the following vote:

AYES—Senators Bauer, Bunkers, Emmons, Flint, Hahn, Hubbell, Lardner, Leavitt, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Savage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL FILE—(RESUMED).

Assembly Bill No. 422—An Act appropriating money for the purchase of books for the library of the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 422 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, Hubbell, Lardner, Leavitt, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 423—An Act appropriating money for the purchase of bedding, furniture, and carpets for the use of the Preston School of Industry.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 423 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Diggs, Flint, Hubbell, Lardner,

Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 425—An Act making an appropriation to pay the judgment of \$1,125 rendered in and by the Superior Court of the State of California in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled John Raggio, plaintiff, versus The State of California, defendant, and which judgment was entered of record on December 4, 1902, in said Superior Court, in Judgment Book No. 3 of judgments of the Superior Court of Calaveras County, page 333.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 425 finally passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Diggs, Flint, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Savage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams and Woodward—21.

NOES—Senator Bauer—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 480—An Act making an appropriation to pay the judgment of \$550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court numbered 1828, entered of record on December 15, 1902, in Judgment Book 3, page 507, of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 480 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Diggs, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Ward, Welch, and Williams—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 821—An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller and State Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 821 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Devlin, Diggs, Flint, Hahn, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Shortridge, Tyrrell of San Francisco, Ward, and Williams—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 548—An Act to amend Section 1407 of the Penal Code, relating to the disposition by peace officers of property in their possession which is alleged to have been stolen or embezzled—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Committee Substitute for Senate Constitutional Amendment No. 2—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing courts of appeal.

Also: Assembly Bill No. 167—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the admission to practice of attorneys and counselors at law in the courts of the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 680—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872.

Also: Assembly Bill No. 54—An Act to amend Section 1727 of the Code of Civil Procedure of California, relating to the procuring of letters of administration upon the estates of deceased persons by Public Administrators.

Also: Assembly Bill No. 661—An Act to add a new section to the Code of Civil Procedure, regarding giving of bonds and undertakings in civil actions, to be known as Section 1030.

Have had the same under consideration, and respectfully report the same back, and recommend that they do not pass.

Also: Assembly Bill No. 513—An Act creating the office of Public Defender in counties of the first, second, and third class, in the State of California, providing for the appointment and election of some suitable person to fill such office, fixing his duties and compensation, and providing him with assistants and a contingent fund with which to properly carry out the duties thereof—have had the same under consideration, and respectfully report the same back without recommendation.

LUKENS, Chairman.

Assembly Bills Nos. 548, 167, 680, 54, 661 and 513, and Senate Constitutional Amendment No. 2 ordered on file.

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following bills:

Remington Typewriter Co.....	\$18 75
Postal Tele.-Cable Co.....	186 58
L. & M. Alexander & Co.....	2 50
D. Johnston & Co.....	27 00
Yost Typewriter Co.....	22 50

\$257 33

Have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of the Secretary of the Senate, for the sum of two hundred fifty-seven and thirty-three one hundredths (\$257.33) dollars, in payment of the bills hereto attached; and the Treasurer is directed to pay the same.

Also:

MR. PRESIDENT: Your committee, appointed by virtue of the following resolution, adopted February 25, 1903, to wit:

Resolved, That Senators Coggins, Pendleton, Smith, Knowland, Oneal, Muentner, and Sanford be and they are hereby authorized to visit the State Hospital at Stockton and the State Hospital at Agnews, in order that the needs of these institutions may be thoroughly inquired into, and that they be allowed actual expenses.

Be it left to report that they have performed the duties therein required of them, and in the performance thereof have incurred expenses amounting to \$138, and recommend the adoption of the following resolution:

Resolved, That the sum of \$138 be and the same is hereby appropriated out of the Contingent Fund of the Senate to pay the traveling expenses of all members of the committee above named in visiting and examining the State Hospital at Stockton and the State Hospital at Agnews under authority of the resolution of February 25, 1903, adopted by this body, and that the State Controller is hereby directed to draw his warrant to the order of C. W. Pendleton, chairman of this committee, for said sum, and the State Treasurer is hereby directed to pay the same.

PENDLETON, Chairman.

Also:

WHEREAS, The several codes as supplied to the members were printed in 1899, and do not contain the amendments thereto of 1901; and

WHEREAS, It is necessary in examining said codes to know what amendments have been made since 1899; and

WHEREAS, Code slips containing said amendments can be procured at a small cost; therefore, be it

Resolved, That the Sergeant-at-Arms of the Senate be and he is hereby instructed to procure said code slips (forty-five), at a cost not to exceed one dollar per set, payable out of the Contingent Fund of the Senate, and the Controller is hereby authorized to draw his warrant on said fund for the payment thereof, and the Treasurer is hereby authorized to pay the same.

Also:

SENATE CHAMBER, SACRAMENTO, March 5, 1903.

MR. PRESIDENT: Your special committee, to whom was referred the matter of the contested election case of William J. Kenney vs. Frank French for the seat in the Senate from the Twentieth Senatorial District of the State of California, beg leave to report as follows:

¶ Said committee have had the bills of the contestant and contestee under consideration, and we respectfully recommend that the following expenses be allowed:

<i>To the Contestant.</i>	
For costs and expenses.....	\$45 75
For attorney's fees.....	250 00
Two Justices of the Peace, services as commissioners.....	50 00

<i>To the Contestee.</i>	
To expenses.....	\$45 00
For attorney's fees.....	250 00
To Miss Clara Olmsted, services in Justice Court.....	20 00
To J. A. Vaughan, reporting, five days.....	50 00
To J. A. Vaughan, for transcribing 351 folios.....	70 20
To J. A. Vaughan, copy of same to contestant.....	35 10
To J. A. Vaughan, copy of same to contestee.....	35 10

And your committee respectfully recommend the adoption of the following resolution:
Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of the following-named persons for the sums set opposite their names, the same to be paid out of the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same:

To W. J. Kenney.....	\$295 75
To Frank French.....	365 00
To J. A. Vaughan.....	190 40

Respectfully submitted.

J. G. TYRRELL, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

Also:

SENATE CHAMBER, SACRAMENTO, CAL., March 5, 1903.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to which was added Senator Emmons, for the purpose of investigation of the State Pilot Commission of the State of California, beg leave to report as follows:

The bills for the investigation as presented amounted to \$904.25. Of this your committee allowed the following:

To J. A. Vaughan, services as stenographer, 20 per diems.....	\$200 00
To transcribing 906 folios, 3 copies.....	362 40
To transcribing report of committee (94 folios, 8 copies).....	84 60
H. T. Smith, Sergeant-at-Arms, expenses of four trips to San Francisco, to serve subpoenas, as follows:	
Carriage hire.....	11 50
Street car and railroad fare.....	2 50
Hotel bill.....	36 00
Telephone and telegraph.....	7 25

Committee's expenses for the two days in San Francisco, including railroad fare to San Francisco and return, as follows:

R. J. Welch	\$20 00
E. J. Emmons	20 00
J. R. Knowland	20 00
Harry Bunkers	20 00
J. M. Plunkett	20 00
M. L. Ward	20 00
Frank French	20 00
G. H. Williams	20 00
Charles M. Shortridge	20 00
James D. Byrnes	20 00

And your committee recommend the adoption of the following resolution:

Resolved, That the State Controller be and he is authorized to draw his warrant in favor of R. J. Welch for \$904.25, in payment of expenses incurred in the investigation of the Pilot Commission, and the Treasurer is directed to pay the same.

WELCH, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that the substitute, hereto attached, be adopted:

Resolved, That the Controller be and he is hereby authorized to draw his warrant in favor of R. J. Welch for the sum of eleven hundred and seventy-eight and twenty-five one hundredths dollars (1,178.25), payable from the Contingent Fund of the Senate, and the Treasurer is directed to pay the same, for expenses incurred by the Committee on Commerce and Navigation, in the investigation of the Pilot Commission, at Sacramento and San Francisco, as per the following statement:

Witnesses' Fees and Mileage.

C. H. S. Pratt, one day and mileage from San Francisco	\$20 00
Jas. H. Bennett, one day and mileage from San Francisco	20 00
W. T. Leale, two days and mileage from San Francisco	22 00
Miss Lovdale, one day and mileage from San Francisco	20 00
T. H. Barber, two days and mileage from San Francisco	22 00
Jno. W. Curry, one day and mileage from San Francisco	20 00
Fred S. Samuels, one day and mileage from San Francisco	20 00

Stenographer and Sundry Expenses.

To J. A. Vaughan, services as stenographer, 20 per diems	\$200 00
To transcribing 906 folios, three copies	362 40
To transcribing report of committee (94 folios, 8 copies)	84 60
H. T. Smith, Sergeant-at-Arms, expenses of four trips to San Francisco, to serve subpoenas, as follows:	
Carriage hire	11 50
Street car and railroad fare	2 50
Hotel bill	36 00
Telephone and telegraph	7 25

Committee's Expenses in San Francisco—Expenses and Mileage.

R. J. Welch	\$33 00
E. J. Emmons	33 00
J. R. Knowland	33 00
Harry Bunkers	33 00
J. M. Plunkett	33 00
M. L. Ward	33 00
Frank French	33 00
G. H. Williams	33 00
Charles M. Shortridge	33 00
James D. Byrnes	33 00

\$1178 25

FLINT, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Devlin, Diggs, Flint, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Savage, Selva, Tyrrell of San Francisco, Ward, Welch, and Williams—22.

NOES—None.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 343—An Act to amend an Act approved February 28, 1887,

entitled "An Act concerning the payment of expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act—have had the same under consideration, and respectfully report the same back, and recommend that it be re-referred to Committee on Fish and Game.

WELCH, Chairman.

Assembly Bill No. 343 read first time, and re-referred to Committee on Fish and Game.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 357—An Act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same.

Also: Assembly Bill No. 359—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase five miners' inches of water for the use of said school.

Also: Assembly Bill No. 360—An Act making an appropriation of \$6,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of drilling a well, and purchasing the necessary pipe, pump or pumps, and machinery therefor.

Also: Assembly Bill No. 361—An Act making an appropriation of \$1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase horses, wagons, and farm implements for the use of said school.

Also: Assembly Bill No. 362—An Act appropriating \$500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase additional books and periodicals for the library of said school.

Also: Assembly Bill No. 363—An Act making an appropriation of \$500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the bathroom at the girls' department of said school.

Also: Assembly Bill No. 321—An Act to pay the claim of the California State Agricultural Society against the State, and appropriating money therefor.

Also: Assembly Bill No. 647—An Act to pay the claim of George Williams against the State of California.

Also: Assembly Bill No. 963—An Act making an appropriation to pay the claim of Martin Brothers against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DEVLIN, Chairman.

Assembly Bills Nos. 357, 359, 360, 361, 362, 363, 321, 647, and 963 ordered on file.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Luchsinger, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following:

Assembly Bill No. 963—An Act making an appropriation to pay the claims of Martin Brothers against the State of California.

Also: (as a case of urgency) Senate Bill No. 912—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 963 read first time, and referred to Committee on Finance.

Senate Bill No. 912 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following:

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Also: Assembly Bill No. 867—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities and to provide for and

regulate the administration of trust by such corporations," approved April 6, 1891, and relating to disclosures confidentially made to the officers of the corporations named in said Act, and authorized to discharge the duties therein provided for.

Also: Senate Bill No. 206—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code) in that certain action in the Supreme Court of the State of California entitled: County of San Luis Obispo vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, chairman of the Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners; Tirey L. Ford, member of the State Board of Examiners; Henry T. Gage, Charles F. Curry and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, numbered Sacramento, No. 1042; and also in that certain action commenced in the Superior Court of the State of California, in and for the County of Sacramento, and which was therein entitled: County of Butte vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, chairman of the State Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners of the State of California; Tirey L. Ford, member of the State Board of Examiners of the State of California; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, No. 9502; and also in those certain actions commenced in and decided by the Superior Court of the State of California in and for the County of Sacramento, and which were therein entitled: W. L. Wood vs. State of California, No. 9555; W. L. Wood vs. State of California, No. 9622; Charles Bickerdike vs. State of California, No. 9608; National Bank of D. O. Mills & Co. vs. State of California, No. 9616; J. S. Bauer vs. State of California, No. 9304; C. A. Weaver vs. State of California, No. 9609; A. T. Lightner vs. State of California, No. 9613; George Leonard vs. State of California, No. 9611; C. A. Pommer vs. State of California, No. 9610; L. C. Waite vs. State of California, No. 9612; W. S. Hooper vs. State of California, No. 9526; E. Weisbaum vs. State of California, No. 9615; J. F. Pryor vs. State of California, No. 9614; W. B. Waldron vs. State of California, No. 9617; San Francisco Law and Collection Co. vs. State of California, No. 9355; N. Weisbaum vs. State of California, No. 9615; San Francisco Law and Collection Co. vs. State of California, No. 9607; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled Samuel Davis vs. State of California, No. 6869; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, which was therein entitled Samuel Davis vs. State of California, No. 6871.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 745 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 867 read first time, and referred to Committee on Judiciary.

Senate Bill No. 206 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 606—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as Section 25½, relating to the powers of Boards of Supervisors to lay out, establish, improve, and maintain public boulevards.

Also: Senate Bill No. 887—An Act to amend Sections 3, 4, and 6 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State of California," which Act became a law under the provisions of the Constitution, without the Governor's approval.

Also: Senate Bill No. 34—An Act to amend Section 713 of the Civil Code, relating to leases of city and town lots.

Also: Senate Bill No. 396—An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal School Trustees.

And respectfully request your honorable body to concur in said amendments.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 606?"

Amend by adding after the word "boulevard," in last line of the title, the following: "to incur a bonded indebtedness for such purposes, and to call a special election for the submission to the electors of the question of incurring such indebtedness."

The roll was called, and the Assembly amendment to Senate Bill No. 606 concurred in by the following vote:

AYES—Senators Bauer, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Pendleton, Ralston, Rowell, Savage, Smith, Tyrrell of San Francisco, Ward, Welch, and Williams—22.

NOES—Senator Bunkers—1.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 887?"

Amend by striking out the words "or disease contracted in," after the word "received," in line six, second page, printed bill.

Also: Amend by striking out the following words: "or disease contracted in," from line seven, after the word "received," page three, section six, printed bill.

The roll was called, and the Assembly amendments to Senate Bill No. 887 concurred in by the following vote:

AYES—Senators Bauer, Coggins, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Savage, Selva, Tyrrell of San Francisco, Ward, Welch, and Williams—21.

NOES—None.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 34?"

Strike out the words "other than the property of any municipality," in lines three and four of section one, page one of printed bill.

Also: After the word "valid" in line six of section one, page one of printed bill, insert the following words: "provided, that the property of any municipality shall not be leased for a longer period than twenty years."

Amend by striking out all after Section 718, and inserting in lieu thereof the following: "No lease or grant of any town or city lot for a longer period of fifty years in which shall be reserved any rent or service of any kind shall be valid: provided, that the property of any municipality or any minor or incompetent person shall not be leased for a longer period than ten years."

"Sec. 2. This Act shall take effect and be in force from and after its passage."

Amend by striking out of line five of printed bill the word "ninety-nine," and in lieu thereof inserting the following: "twenty-five."

The roll was called, and the Senate refused to concur in Assembly amendments to Senate Bill No. 34 by the following vote:

AYES—None.

NOES—Senators Bauer, Caldwell, Coggins, Devlin, Diggs, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Rowell, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, and Williams—23.

Whereupon the Secretary was instructed to inform the Assembly of the Senate's action.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 396?"

Amend by inserting after the word "prescribe," in line twenty-four, page two of printed bill, the words "and enforce."

Also: Amend by inserting after the word "prescribe," in line twenty-eight, page two of printed bill, the words "and enforce."

Also: Amend by inserting after the word "schools," in line thirty-one, page two of printed bill, the following: "and for transfer of pupils from one normal school to another; provided, that a student for good cause may, upon recommendation of the president of the school from which he seeks to be transferred, enter any other normal school and without examination be admitted to classes corresponding to those in the school which he has left."

The roll was called, and the Assembly amendments to Senate Bill No. 396 concurred in by the following vote:

AYES—Senators Bauer, Coggins, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, and Williams—21.

NOES—None.

SPECIAL ORDER SET.

On motion of Senator Coggins, the consideration of the special file of appropriation bills was made a special order for Tuesday, March 10, 1903, immediately after the reading of reports of standing committees.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Lukens asked for and was granted unanimous consent to have Assembly Bill No. 635 taken up for immediate consideration.

Assembly Bill No. 635—An Act to amend Sections 269, 273, and 274 of the Code of Civil Procedure, all relating to phonographic reporters. During second reading of bill, the following amendment was offered:

By Senator Lukens:

Amend by inserting between the words "taken" and "the" in line fourteen, section one of printed bill, the words "all arraignments, pleas, and sentences of defendants in criminal cases."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senator Selvage asked for and was granted unanimous consent to have Assembly Bill No. 167 taken up for immediate consideration.

During second reading of bill, the following amendments were submitted by committee:

Section one, page one, line three of said bill, is hereby amended as follows: After the figure "3," insert the word and figures "Sec. 275."

Also: Page two of said bill, section two, line three, after the figure "3," insert the word and figures "Sec. 276."

Also: Page two, section two, line five of the printed bill, after the word "chapter" insert the words "and not otherwise."

Also: Amend section two by striking out after the word "the" in line twenty-four the words "judicial district in which such application is filed," and insert therein the words "State of California."

Also: Strike out in section two, line forty-six, the word "twenty-five," and insert therein the word "ten."

Also: Page four, section three, line three of printed bill, insert after the figure "3" the following: "Sec. 277."

Also: Amend section three by striking out, in line eighteen, the word "twenty-five," and inserting the word "ten."

Also: In line nineteen insert after the word "of" the word "any."

Also: Page five, section four, line three of printed bill, insert after the figure "3" the figures "278."

Also: Page six, section six, line three, after the figure "3" insert the word and figures "Sec. 280."

Also: Page six, section seven, line three, after the figure "3" insert the word and figures "Sec. 281."

Also: On page six, section eight, line one, strike out all of said section after the word and figure "Sec. 8" and insert in lieu thereof: "This Act shall take effect immediately."

Also: Page six, strike out all of section nine.

The question being on the adoption of the amendments.

The ayes and noes were demanded by Senators Pendleton, Tyrrell of San Francisco, and Leavitt.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Leavitt moved a call of the Senate.

Motion carried.

Time, eleven o'clock P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Coggins, Diggs, Flint, Knowland, Lardner, Leavitt, Lukens, Nelson, Pendleton, Ralston, Rowell, Savage, Selvage, Tyrrell of San Francisco, and Ward—16.

The Secretary announced the absentees:

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and five minutes P. M., Senator Smith was brought before the bar of the Senate and, on motion of Senator Selvage, was excused for absence from the Senate chamber.

At eleven o'clock and six minutes P. M., Senator Luchsinger was brought before the bar of the Senate and, on motion of Senator Leavitt, was excused for absence from the Senate chamber.

At eleven o'clock and ten minutes P. M., Senator Bauer moved that further proceedings under call of the Senate be dispensed with.

Motion lost.

At eleven o'clock and twenty minutes P. M., Senators Williams, Wolfe, Welch, Plunkett, and Bunkers were brought before the bar of the Senate and, on motion of Senator Leavitt, were excused for absence from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and twenty-two minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the President announced the adoption of the amendments by the following vote:

AYES—Senators Bauer, Coggins, Diggs, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Rowell, Savage, Selvage, Smith, Tyrrell of San Francisco, and Ward—16.

NOES—Senators Bunkers, Flint, Pendleton, Plunkett, Welch, Williams, and Wolfe—7.

Bill read second time, and ordered to print and third reading.

ADJOURNMENT.

At eleven o'clock and twenty-five minutes P. M., on motion of Senator Wolfe, the President pro tem. declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Tuesday, March 10, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Rowell, Sanford, Savage, Tyrrell of San Francisco, Ward, Williams, and Woodward—24.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Monday, March 9, 1903, the further reading was dispensed with, on motion of Senator Coggins.

APPROVAL OF JOURNAL.

The Journal of Friday, March 6, 1903, having been corrected, was read and approved.

PETITIONS.

The following petitions were presented by Senator Knowland, read, and ordered printed in the Journal:

HON. J. R. KNOWLAND, *Senate Chamber, Sacramento:*

Resolution adopted by the faculty of the Hahnemann Medical College of the Pacific: *Resolved*, That we heartily indorse the law now in force in reference to the practice of medicine and surgery in California; that we are fully satisfied with the Board of Examiners as now constituted, and with the rules and regulations adopted by them; that we deem the present manner of appointing the board more satisfactory than that proposed in Senate Bill No. 365, and that we respectfully ask that the present law remain unchanged.

GEO. H. PALMER, President.
JAMES W. WARD, Dean.

EDGAR R. BRYANT, Secretary.

Also:

HON. J. R. KNOWLAND, *Senate Chamber, Sacramento:*

The Legislative Committee of the California State Homeopathic Medical Society, with a membership of four hundred, desire to express their satisfaction with the present medical law, and earnestly protest against any change in the law as contemplated in Senate Bill No. 365.

H. R. ARNDT, Secretary.

Also:

HON. J. R. KNOWLAND, *Senate Chamber, Sacramento:*

The San Francisco County Homeopathic Medical Society is perfectly satisfied with the present medical law, and earnestly protests against Senate Bill No. 365.

GUY E. MANNING, President.

L. B. HURD, Secretary.

RESOLUTION.

The following resolution was offered:

By Senator Lardner:

Resolved, That Section 2 of Article IV of the Constitution and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day

of the session without the consent of two thirds of the members thereof, be complied with, and that Senators Lardner and Rowell be and are hereby permitted to introduce Senate Bill No. 924 and Senate Concurrent Resolution No. 17.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution was adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—28.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL, ETC.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill and concurrent resolution were introduced:

By Senator Lardner: Senate Bill No. 924—An Act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler against the State of California, and providing the manner of paying the same.

Bill read first time, and referred to Committee on Finance.

By Senator Rowell: Senate Concurrent Resolution No. 17—Relative to the consent of the Legislature to absence from the State of State Superintendent of Public Instruction Thomas J. Kirk, for a period not to exceed three months (90 days) at any one period.

Ordered on file.

RESOLUTION.

The following resolution was offered:

By Senator Belshaw:

Resolved, That Senate Bill No. 915 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—28.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 915—An Act making an appropriation to pay the claim of Marin County against the State of California.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 915 passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Curtin, Devlin, Diggs, French,

Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Ward, Williams, Wolfe, and Woodward—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Nelson:

Resolved, That Section 2 of Article IV of the Constitution and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Nelson be and is hereby permitted to introduce Senate Concurrent Resolution No. 18.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution was adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, French, Hubbell, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—28.
NOES—None.

INTRODUCTION OF CONCURRENT RESOLUTION.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following concurrent resolution was introduced:

By Senator Nelson: Senate Concurrent Resolution No. 18--Relative to the consent of the Legislature to absence from the State of State Printer W. W. Shannon for a period not to exceed ninety days at any one period.

Ordered on file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Bunkers:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of Kate Nealon for the sum of \$80 for services rendered the Senate of the State of California, the same to be paid out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

ADDITIONAL COPIES OF BILLS TO BE PRINTED.

Senator Knowland moved that 500 extra copies each of Senate Bills Nos. 516 and 517 be ordered printed.

Motion carried.

ASSEMBLY REQUESTED TO RETURN BILL TO SENATE.

On motion of Senator Lardner, the Secretary was directed to request the Assembly to return to the Senate Senate Bill No. 429, as notice of motion to reconsider was pending on said bill.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Selvage moved that the vote whereby Senate Bill No. 583—An Act to amend Section 3805a of the Political Code, which amendment relates to the cancellation of assessments on State school lands, certificates of tax sales and tax deeds issued thereon, where a judgment or decree of court foreclosing the certificate of purchase thereon has been given and entered—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Rowell and Savage—2.

NOES—Senators Bauer, Belshaw, Byrnes, Devlin, Flint, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Pendleton, Plunkett, Ralston, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Ward, and Williams—19.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Pendleton:

Resolved, That the Controllor of State be and he is hereby directed to draw his warrant on the Contingent Fund of the Senate for the sum of one hundred and fourteen dollars in favor of the Sergeant-at-Arms of the Senate, in payment for nineteen copies of Fairall's Criminal Law and Procedure and Penal Code, ordered purchased for the use of the Judiciary Committee of the Senate, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

RESOLUTION.

The following resolution was offered:

By Senator Devlin:

Resolved, That Section 2 of Article IV of the Constitution and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that the Committee on Finance be and is hereby permitted to introduce Senate Bill No. 925.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution was adopted by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, French, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—28.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Finance Committee: Senate Bill No. 925—An Act to purchase from William Cogswell two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of \$1,500 therefor.

Bill read first time, and ordered on file.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON RULES.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your Committee on Rules, to whom was referred Senate Concurrent Resolution No. 14—Relative to adjourning sine die.

Also: Assembly Concurrent Resolution No. 11—Relative to adjournment sine die of the Legislature of the thirty-fifth session.

Have had the same under consideration, and respectfully report the same back, and recommend that the accompanying substitute therefor be adopted.

PENDLETON, Chairman.

Senate Concurrent Resolution No. 14 and Assembly Concurrent Resolution No. 11 ordered on file.

SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your committee, consisting of the San Francisco delegation of Senators, to whom was referred Assembly Bill No. 616—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco—have had the same under consideration, and respectfully report the same back, and majority recommend that said bill do not pass.

WOLFE, Chairman.

MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, March 9, 1903.

MR. PRESIDENT: The undersigned, a minority of your committee, consisting of the San Francisco delegation of Senators, to whom was referred Assembly Bill No. 616—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

J. G. TYRRELL.
H. A. BAUER.
F. FRENCH.

Assembly Bill No. 616 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your committee, consisting of the San Francisco delegation of Senators, to whom was referred Senate Bill No. 794—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

WOLFE, Chairman.

Senate Bill No. 794 ordered on file.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Lukens asked for and was granted unanimous consent to have Senate Bill No. 906 taken up for immediate consideration.

Senate Bill No. 906—An Act to authorize cities to acquire and operate a joint system or systems of water supply.

Read third time.

Senator Lukens moved to refer to Senator Knowland, as a special committee of one, to amend as follows:

Amend by striking out the whole of section two, and substituting in lieu thereof the following:

"SEC. 2. Whenever the legislative body of a city deems it advisable to investigate the desirability of joint action with any other city or cities for acquiring and maintaining a water supply, such legislative body shall pass a resolution to that effect, and thereupon the Mayor of said city shall, with the consent and advice of said legislative body, appoint three commissioners to confer with like commissioners from any other city. Said commissioners from the respective cities shall meet and consider the question of the desirability of their respective cities taking joint action to acquire and develop water supply for their respective cities, and the plans, terms, and conditions they deem feasible, just, and equitable, and if they agree upon such plans, terms, and conditions they shall report the same to the legislative bodies of their respective cities."

Also: Amend by striking out the whole of section three, and substituting in lieu thereof the following:

"SEC. 3. If the legislative bodies of two or more cities approve the plans, terms, and conditions of the joint action reported by the commissioners they shall by resolution declare such approval, and shall submit the same to the qualified voters of their respective cities for their approval or rejection at the next city election, or at a special election called for that purpose. If the terms, conditions, and plans are approved by a majority of the voters voting thereon at such election the said cities may enter upon the work of developing or acquiring water supply for the said cities in accordance with such plans, terms, and conditions. And any city may, in the manner required by law, issue bonds for the purpose of prosecuting and completing the work of acquiring a water supply jointly with other cities. All proceedings relating to the issue of such bonds shall be taken as now required by law for the issue of bonds to acquire a water supply."

Also: Amend by inserting in line one, section five, second page, printed bill, the word "all" between the words "apportionment of" and the word "costs."

Also: Amend by striking out the word "costs" in line one, section six, and inserting in lieu thereof the following: "total costs."

Also: In line two of section six, by inserting after the words "by such municipality" the word "exclusively."

Also: Amend by striking out of section seven all following the word and figure "Sec. 7," and inserting in lieu thereof the following:

"SEC. 7. The plans, terms, conditions, or other agreement for acquiring said water supply may be modified from time to time by agreement between the respective cities, which agreement shall be declared by the action of their respective legislative bodies."

Also: Amend by adding three new sections thereto, to be numbered section eight, section nine, and section ten, and to read as follows:

"SEC. 8. The term 'city' and the term 'municipality' as used in this Act shall include a consolidated city and county, and the same rights and privileges by this Act given to an incorporated city shall pertain to a consolidated city and county."

"SEC. 9. Before any resolution or ordinance relating to the joint acquisition of a water supply becomes binding upon any city or municipality it shall be approved by the Mayor of such city, or passed over his veto in the manner provided by law or the charter of such city for the passage of ordinances."

"SEC. 10. This Act shall be in force from and after its passage."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 906, with instructions to amend, respectfully reports the same back, amended as per instructions.

KNOWLAND, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and re-engrossment.

Senator Shortridge asked for and was granted unanimous consent to have Senate Bill No. 393 taken up for immediate consideration.

Senate Bill No. 393—An Act to appropriate \$5,000 to be expended by the Regents of the University of California in the employment of a plant pathologist to study the nature, control, and cure of asparagus rust, and in conducting experiments under the direction of such pathologist.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 393 passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Coggins, Diggs, French, Hahn, Hubbell,

Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Rowell, Savage, Shortridge, Ward, Williams, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS.

The consideration of the special file of appropriation bills having been made a special order for this hour, the same was taken up.

Assembly Bill No. 364—An Act to appropriate \$2,385 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9555 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 364 finally passed by the following vote:

AYES—Senators Bunkers, Byrnes, Coggins, Devlin, Diggs, Hubbell, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Ward, and Williams—22.

NOES—Senator Wolfe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 365—An Act to appropriate \$45 to pay the claim of W. L. Wood against the State of California upon a judgment recovered in an action entitled "W. L. Wood vs. The State of California," numbered 9622 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 365 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Curtin, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Ward, and Williams—27.

NOES—Senators Bauer and Wolfe—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 373—An Act authorizing the payment of a judgment in favor of the National Bank of D. O. Mills & Co., a corporation, heretofore recovered against the State of California in the Superior Court of the State of California in and for the County of Sacramento, on the sixth day of December, 1902, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 373 finally passed by the following vote:

AYES—Senators Belshaw, Byrnes, Coggins, Devlin, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Pendleton, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, and Williams—23.

NOES—Senators Oneal and Wolfe—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 390—An Act to appropriate \$500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of the Superior Court of the County of Butte.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 390 finally passed by the following vote:

AYES—Senators Belshaw, Byrnes, Coggins, Curtin, Diggs, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, and Williams—23.

NOES—Senators Bauer, Oneal, and Wolfe—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 494—An Act to appropriate \$3,670 to pay the claim of the Commercial Bank of Madera, a corporation, against the State of California upon a judgment recovered in an action entitled "Commercial Bank of Madera, a corporation, vs. The State of California," numbered 9676 upon the register of the Superior Court of the County of Fresno, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 494 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Diggs, French, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, and Williams—25.

NOES—Senators Bauer, Oneal, and Wolfe—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 507—An Act to appropriate \$14,320 to pay the claim of the Producers' Bank against the State of California upon a judgment recovered in an action entitled "Producers' Bank vs. The State of California," numbered 4984 upon the register of the Superior Court of Tulare County.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 507 finally passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Curtin, Diggs, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, and Woodward—25.

NOES—Senators Bauer, Bunkers, French, Oneal, and Wolfe—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 552—An Act making an appropriation to pay a judgment for the sum of \$6,880 rendered in and by the Superior Court of the County of Fresno, State of California, on January 9, 1903, in an action entitled "Eli Henderson, plaintiff, vs. The State of California, defendant," numbered 9675, which judgment was entered and recorded

on January 10, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at page 29.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 552 finally passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Diggs, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Shortridge, Tyrrell of San Francisco, Ward, and Woodward—21.

NOES—Senators Bauer, French, Oneal, Williams, and Wolfe—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 580—An Act making an appropriation to pay a judgment for the sum of \$600, rendered in and by the Superior Court of the City and County of San Francisco, State of California, on April 8, 1902, in an action entitled Julia H. Jones, plaintiff, versus The State of California, defendant, numbered 79,940, which judgment was entered and recorded on April 19, 1902, in Judgment Book No. 67 of Department Eight of said Superior Court, at page 575.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 580 finally passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Diggs, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Ward, and Woodward—22.

NOES—Senators Bauer, French, Oneal, Williams, and Wolfe—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 400—An Act to appropriate \$2,365 to pay the claim of the Farmers' Exchange Bank of San Bernardino against the State of California upon a judgment recovered in an action entitled The Farmers' Exchange Bank of San Bernardino vs. The State of California, on the 25th day of April, 1902, in the Superior Court of the State of California in and for the County of San Bernardino.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 400 finally passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Diggs, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Ward, and Woodward—22.

NOES—Senators Bauer, French, Oneal, Williams, and Wolfe—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 37—An Act amending Section 1874 of the Political Code, providing for the appointment of a permanent committee of the State Board of Education on school text-books; authorizing said committee, subject to approval of the State Board of Education, to revise, compile, and manufacture school text-books; prescribing the duties of said committee relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books; providing a royalty fund; authorizing the payment of royalties and the hire of

plates of copyright matter, and for the performance of other acts necessary to procure a meritorious, uniform series of State school text-books; granting powers, subject to the approval of the State Board of Education, to said committee to prescribe and enforce the use of such school text-books, and to adopt a list of books from which county and city and county boards of education must select books for supplementary use in the primary and grammar schools, and for district school libraries; prescribing books for use in various branches of study taught in the primary and grammar schools; providing the penalty for failure to use the State series of school text-books; authorizing such committee to appoint a secretary; prescribing the duties of such secretary, and fixing his compensation; prescribing the duties of the Superintendent of Public Instruction upon the publication or revision and adoption of a book or a number of books of the State series; providing that the Superintendent of State Printing shall have supervision over the mechanical work of printing such text-books; making an appropriation, to be known as the text-book appropriation, and specifying the uses to which it may be put; directing of what funds the State School-Book Fund shall consist, and prescribing the use of the moneys in said fund, and continuing the present law for the distribution of State school text-books.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 37 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Diggs, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Ward, Williams, Wolfe, and Woodward—23.

NOES—Senator Oneal—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 319—An Act creating a commission to be known as the "California Relief Commission," whose duties shall be the oversight, guidance and procuring employment of persons who have been convicted of crime and been discharged by reason of completion of term of imprisonment or other lawful termination thereof in the State of California; defining the duty and power of such commission and authorizing the employment of agents, clerks and other employes, and for other purposes connected with the duty of the commission, and appropriating money for the use and control of said commission, its agents, clerks and employes.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 319 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, and Wolfe—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 489—An Act making an appropriation of \$6,000 for improving and grading the grounds of the Affiliated Colleges of the

University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Read second time, and ordered on file for third reading.

Assembly Bill No. 84—An Act to appropriate \$59,680 to pay the claim of Charles Bickerdike against the State of California upon a judgment recovered in an action entitled "Charles Bickerdike vs. The State of California," numbered 9608 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 84 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, French, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Williams, and Woodward—22.

NOES—Senators Bauer and Wolfe—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 154—An Act to appropriate the sum of \$7,500 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 561—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 811—An Act to provide for the preservation, improvement, and maintenance of the "California Redwood Park," in Santa Cruz County, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the words and figures "twenty thousand (20,000)" in line one, first page, printed bill, and in lieu thereof inserting the following: "ten thousand (10,000)."

Amendment adopted.

Also:

Amend by striking out of section two, lines two and three, page one of printed bill, the words and figures "twenty thousand (20,000)," and in lieu thereof inserting the following: "ten thousand (10,000)."

Amendment adopted.

Also:

Amend by striking out all of section four, second page of printed bill, and in lieu thereof inserting the following:

"Sec. 4. Of the sum hereby appropriated five thousand dollars shall be available on the first day of July, nineteen hundred and three, and five thousand dollars shall be available on the first day of July, nineteen hundred and four."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 908—An Act making an appropriation to pay the claim of the County of Butte for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 910—An Act making an appropriation to pay the claim of the County of San Luis Obispo for moneys expended in behalf of the State of California, for the support of orphans, half orphans, and abandoned children.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senate Bill No. 909—An Act making an appropriation to pay the claim of the County of San Benito for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Bill read second time, considered engrossed, and ordered on file for third reading.

Assembly Bill No. 963—An Act making an appropriation to pay the claims of Martin Brothers against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 357—An Act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 360—An Act making an appropriation of \$6,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of drilling a well and purchasing the necessary pipe, pump or pumps, and machinery therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 321—An Act to pay the claim of the California State Agricultural Society against the State, and appropriating money therefor.

Bill read second time, and ordered on file for third reading.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Rowell asked for and was granted unanimous consent to have Assembly Bills Nos. 770 and 597 taken up for immediate consideration.

Assembly Bill No. 770—An Act authorizing the payment of a judgment in favor of Maggie L. Boyd, as administratrix of the estate of John D. Boyd, deceased, heretofore recovered against the State of California, in the Superior Court of the State of California, in and for the County of Fresno, on the 6th day of January, 1903, and making an appropriation therefor.

During second reading of bill, the following amendment was offered: By Senator Rowell:

Amend by inserting an enacting clause.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 597—An Act making an appropriation to pay a judgment for the sum of \$3,840 rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, versus State of California, defendant," numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at pages 28 and 29.

Bill read second time, and ordered on file for third reading.

At eleven o'clock and fifteen minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 619—An Act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

ONEAL, Chairman.

Assembly Bill No. 619 ordered on file.

ON COMMISSIONS, RETRENCHMENT, AND REFORM.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your Committee on Commissions, Retrenchment, and Reform, to whom was referred Senate Bill No. 923—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SMITH, Chairman.

Senate Bill No. 923 ordered on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Lukens asked for and was granted unanimous consent to have Senate Bill No. 811 taken up for immediate consideration.

Senate Bill No. 811—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 622a, relating to taxation of insurance companies other than life.

Bill read second time, considered engrossed, and ordered on file for third reading.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Hubbell, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following:

Senate Bill No. 633—An Act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts wherein there are or may be pending actions to enforce the right of eminent domain to give such actions preference over all other civil cases in the matter of setting the same for hearing or trial, and in hearing the same.

Also: Assembly Bill No. 669—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 194 thereof, relating to the compensation of justices of the peace and constables in counties of the thirty-seventh class.

Also: Assembly Bill No. 920—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered Section 1144, relating to the payment of fees to grand jurors.

Also: Assembly Bill No. 944—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

Also: Assembly Bill No. 889—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to the compensation of county and township officers of counties of the thirteenth class.

Also: Assembly Bill No. 831—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction,

and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Senate Bill No. 633 ordered to enrollment.

Assembly Bill No. 669 read first time, and referred to Committee on County Government.

Assembly Bill No. 920 read first time, and, on motion of Senator Nelson, was ordered on file without reference to committee, being identical with Senate Bill No. 782.

Assembly Bill No. 944 read first time, and, on motion of Senator Hubbell, ordered on file without reference to committee, being identical with Senate Bill No. 883.

Assembly Bill No. 889 read first time, and referred to Committee on County Government.

Assembly Bill No. 831 read first time, and ordered on file without reference to committee.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 667—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Also: Senate Bill No. 666—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Also: Senate Bill No. 668—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital, and making an appropriation therefor.

Also: Senate Bill No. 669—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

DEVLIN, Chairman.

Senate Bills Nos. 667, 666, 668, and 669 ordered on file.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to have Senate Bill No. 597 taken up for immediate consideration.

Senate Bill No. 597—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and providing for the publication of a fair statement of all the proceedings of the board.

During second reading of bill, the following amendment was submitted by committee:

Amend by inserting in line two hundred and sixty-nine, eighth page, printed bill, after "day of —," and before "and," the following: "189—, in pursuance of an order of said board duly made on the — day of —, 18—."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senator Lardner asked for and was granted unanimous consent to have Assembly Bill No. 473 taken up for immediate consideration.

Assembly Bill No. 473—An Act to appropriate \$355 to pay the claim of James French against the State of California, upon a judgment recovered in an action entitled "James French vs. The State of California," which said judgment was rendered December 1, 1902, and recorded on said date in Judgment Book "I," at page 570, in the Superior Court of the County of Placer.

Bill read second time, and ordered on file for third reading.

LEAVES OF ABSENCE.

At twelve o'clock M., the members of the Committee on Finance, on motion of Senator Devlin, were granted leave of absence until two o'clock P. M. of this day.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Senate Bill No. 38—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 38 passed by the following vote:

Ayes—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Diggs, French, Hubbell, Knowland, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Ralston, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—22.

Noes—Senator Bauer—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Coggins asked for and was granted unanimous consent to have Assembly Bills Nos. 346, 142, and 607 taken up for immediate consideration.

Assembly Bill No. 346—An Act to appropriate \$55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 142—An Act making an appropriation to pay the judgment of \$465 obtained in the Superior Court of the State of California in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, vs. The State of California, defendant.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 607—An Act to appropriate \$2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Bill read second time, and ordered on file for third reading.

At twelve o'clock and six minutes P. M., Hon. Joseph R. Knowland, State Senator from the Fourteenth Senatorial District, in the chair.

Senator Flint asked for and was granted unanimous consent to have Assembly Bill No. 795 taken up for immediate consideration.

Assembly Bill No. 795—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 47 thereof, relating to the compensation of officers of the forty-third class.

During second reading of bill, the following amendments were offered:
By Senator Flint:

Amend by striking out of the title, after the word "section," the following: "forty-seven," and in lieu thereof insert the following: "two hundred."

Amendment adopted.

Also:

Amend by striking out of section one, line one, first page, the figures "47," and in lieu thereof insert the following: "200."

Amendment adopted.

Also:

Amend by inserting in section one, line three, first page, after the figures "1897," the following: "and as amended March 23, 1901."

Amendment adopted.

Also:

Amend by striking out of section one: lines five, six, seven, and eight, first page.

Amendment adopted.

Also:

Amend by striking out of section one, line fifteen, second page, the words "twenty-five hundred," and in lieu thereof insert the following: "three thousand."

Amendment adopted.

Also:

Amend by striking out of section one, line twenty-three, second page, the word "five," and in lieu thereof insert the following: "six."

Amendment adopted.

Also:

Amend by adding, at the end of the bill, third page, the following:
"17. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the Board of Supervisors by multiplying by five the vote for Presidential Electors cast in each township at the next preceding election."

Amendment adopted.

Read second time, and ordered to print and third reading.

Senator Lukens asked for and was granted unanimous consent to have Senate Bill No. 650 taken up for immediate consideration.

Senate Bill No. 650—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the investment of the funds of insurance companies.

During second reading of bill, the following amendment was submitted by committee:

Amend by inserting before the word "corporations," in section one, line four, first page, printed bill, the following: "427."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

Senator Ralston asked for and was granted unanimous consent to have Assembly Bill No. 863 taken up for immediate consideration.

Assembly Bill No. 863—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 190 thereof, relating to the compensation of officers of counties of the thirty-third class.

Bill read second time, and ordered on file for third reading.

Senator Belshaw asked for and was granted unanimous consent to have Senate Bill No. 444 taken up for immediate consideration.

Senate Bill No. 444—An Act to amend Section 6 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, defining what is cruelty to animals.

Bill read second time, considered engrossed, and ordered on file for third reading.

Senator Hahn asked for and was granted unanimous consent to have Senate Constitutional Amendment No. 2 taken up for immediate consideration.

Senate Constitutional Amendment No. 2—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing courts of appeal.

During the reading of the constitutional amendment, the following amendment was submitted by the committee:

Amend Committee Substitute for Senate Constitutional Amendment No. 2 by adding a new section thereto, to be numbered section twenty-five, and to read as follows:

"SEC. 25. The present Supreme Court Commission shall be abolished at the expiration of its present term of office, and no Supreme Court Commission shall be created or provided for after January 1, A. D. 1905."

Amendment adopted.

Senate constitutional amendment ordered to print.

Senator Hubbell asked for and was granted unanimous consent to have Assembly Bill No. 517 taken up for immediate consideration.

Assembly Bill No. 517—An Act to amend Section 3423 of the Civil Code of the State of California.

Read third time.

Senator Hubbell moved to refer to Senator Oneal, as a special committee of one, to amend as follows:

By inserting after the word "official," in line seventeen, section one, second page of printed bill, the words "except for good cause shown."

Also: Insert the word "lawfully" after the word "been," in line twenty, section one, second page, printed bill.

The question being on the motion to refer to a special committee of one.

POINT OF ORDER.

Senator Lukens raised the point of order that the hour of recess, twelve o'clock and thirty minutes P. M., had arrived, and therefore the further consideration of the bill was out of order.

The acting President held the point of order well taken, and thereupon declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock p. m. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Caldwell, Coggins, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Rowell, Shortridge, Smith, Welch, Williams, Wolfe, and Woodward—28.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code of the State of California, relating to County Boards of Education.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 345 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Diggs, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Rowell, Savage, Selva, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—25.

NOES—Senators Caldwell, Emmons, Flint, and Knowland—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 571—An Act to amend Section 485 of the Political Code, and to provide for the appointment of a Deputy Surveyor-General and Assistant Surveyor-General, and a clerk for the Surveyor-General, and to fix their compensation.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 571 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Diggs, Emmons, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Selva, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 44—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

On motion of Senator Hubbell, passed on file, to retain place.

Assembly Bill No. 293—An Act to amend Section 382 of the Penal Code of the State of California, relating to the adulteration and dilution of articles of food, drink, drugs, medicines, spirituous or malt liquors, or wine, or any article useful in compounding them, and providing punishment for the same.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 293 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Diggs, Emmons, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Pen-

dleton, Plunkett, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Wolfe, and Woodward—27.

NOES—Senators French and Williams—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 409—An Act to amend the Civil Code by adding an additional section to Chapter II, Title II, to be numbered Section 231, relating to adoption.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 111—An Act to amend Article IV of Chapter III of Title III of Part IV of the Code of Civil Procedure, by adding thereto a new section, relating to taking depositions, to be numbered 2025½.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 111 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Plunkett, Rowell, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Devlin moved that the vote whereby Assembly Bill No. 622—An Act to amend Section 457 of the Political Code—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Curtin, Devlin, Diggs, Emmons, French, Greenwell, Hahn, Hubbell, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Shortridge, Ward, Welch, Williams, Wolfe, and Woodward—29.

NOES—Senators Belshaw, Caldwell, Lardner, Leavitt, and Sanford—5.

Assembly Bill No. 622—An Act to amend Section 457 of the Political Code.

The vote whereby the bill was refused passage having been reconsidered.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 622 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Curtin, Devlin, Emmons, French, Greenwell, Hahn, Hubbell, Knowland, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Shortridge, Ward, Welch, Williams, Wolfe, and Woodward—28.

NOES—Senators Belshaw, Caldwell, Diggs, Leavitt, Sanford, and Tyrrell of San Francisco—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Ward moved that the vote whereby Assembly Bill No. 261—An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or

appliances sold for the cure of disease, injuries, or deformities—was refused adoption, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Corlett, Devlin, Diggs, Emmons, Flint, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Rowell, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, and Woodward—27.

NOES—Senators Belshaw, Caldwell, French, Sanford, Savage, and Williams—6.

Assembly Bill No. 261—An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities.

The vote whereby the bill was refused passage having been reconsidered.

Senator Leavitt moved to refer to Senator Knowland, as a special committee of one, to amend as follows:

By striking out of the enacting clause the word "ordain," and inserting in lieu thereof the word "enact."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 261, with instructions to amend, respectfully reports the same back, amended as per instructions.

KNOWLAND, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and on file for final passage.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Oneal moved that the vote whereby Assembly Bill No. 426—An Act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same, and providing penalties therefor—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Curtin, Emmons, French, Knowland, Leavitt, Muentner, Nelson, Oneal, Plunkett, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Wolfe, and Woodward—22.

NOES—Senators Belshaw, Caldwell, Hahn, Luchsinger, and Williams—5.

Assembly Bill No. 426—An Act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same, and providing penalties therefor.

The vote whereby the bill was refused passage having been reconsidered.

Senator Curtin moved to refer to Senator Oneal, as a special committee of one, to amend as follows:

By striking out section two, and renumbering sections three and four so as to read sections two and three.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 426, with instructions to amend, respectfully reports the same back, amended as per instructions.

ONEAL, Committee.

Report of special committee of one, and amendment, adopted.

Bill ordered to print and on file for final passage.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 35—An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to erections and buildings."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 35 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Curtin, Diggs, Emmons, French, Hahn, Hubbell, Lardner, Luchsinger, Lukens, Muenter, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Wolfe, and Woodward—26.

NOES—Senator Flint—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Welch gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 345 was this day passed.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 193—An Act to repeal Sections 2 and 3 of an Act entitled "An Act for the further protection of stockholders in mining companies," approved April 23, 1880.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 193 refused passage by the following vote:

AYES—Senators Curtin, Lardner, Lukens, and Tyrrell of San Francisco—4.

NOES—Senators Bauer, Belshaw, Bunkers, Coggins, Devlin, Emmons, French, Hubbell, Luchsinger, Muenter, Nelson, Oneal, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Ward, Welch, Wolfe, and Woodward—23.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 922—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUKENS, Chairman.

Senate Bill No. 922 ordered on file.

SAN FRANCISCO DELEGATION.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your committee, consisting of the San Francisco delegation of Senators, to whom was referred Senate Bill No. 469—An Act to repeal an Act entitled "An Act concerning the fees of jurors and witnesses in the City and County of San Francisco," approved February 27, 1866—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

WOLFE, Chairman.

Senate Bill No. 469 ordered on file.

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 13—Relative to the water of the Truckee River—have had the same under consideration, and respectfully report the same back without recommendation.

HAHN, Chairman.

Assembly Concurrent Resolution No. 13 ordered on file.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Senate Bill No. 119—An Act to amend Section 3492 of the Political Code of the State of California, relating to swamp and overflowed lands.

Also: Senate Bill No. 641—An Act to abolish the office of Débris Commissioner.

Also: Senate Bill No. 642—An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation," approved February 9, 1900.

Also: Senate Bill No. 679—An Act to provide for the control of the flood waters of the Sacramento River, to improve its channel for the purposes of navigation, and to drain its flood areas.

Have had the same under consideration, and respectfully report the same back without recommendation.

LUCHSINGER, Chairman.

Senate Bills Nos. 119, 641, 642, and 679 ordered on file.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 18—Relative to amending Article VII of the Constitution, relating to a Board of Pardons and pardons—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: Senate Constitutional Amendment No. 24—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 3 of Article XII, relative to the individual liability of stockholders in corporations.

Also: Senate Constitutional Amendment No. 25—To propose to the people of the State of California an amendment to the Constitution of the State, repealing Section 15 of Article XII, relative to restrictions upon corporations organized outside this State.

Also: Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to Section 2 of Article IV of the Constitution of the State of California, in relation to sessions of the Legislature.

Also: Senate Constitutional Amendment No. 21—To propose to the people of the State of California an amendment to the Constitution of the State, amending Section 7 of Article IX thereof, relating to free text-books for use in the common schools throughout the State.

Have had the same under consideration, and respectfully report the same back, and recommend that they be not adopted.

WARD, Chairman.

Assembly Constitutional Amendment No. 18 and Senate Constitutional Amendments Nos. 24, 25, 6, and 21 ordered on file.

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the attached bill—have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of one hundred and fourteen (\$114.00) dollars in payment of said bill, and the Treasurer is hereby directed to pay the same.

March 10, 1903.

The Sergeant-at-Arms of Senate of the State of California, to Charles H. Fairall, Dr.:

To 19 copies "Fairall on Criminal Law and Procedure," for Judiciary

Committee\$114 00

FLINT, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution were adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—28.

NOES—None.

At three o'clock and forty-three minutes P. M., Hon. W. C. Ralston, State Senator from the Tenth Senatorial District, in the chair.

MESSAGES FROM THE GOVERNOR.

On motion of Senator Wolfe, the following messages from the Governor were taken up and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 10, 1903.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 260—An Act to confirm, validate, and legalize certificates of tax sales and tax deeds executed to the State of California.

Also: Senate Bill No. 24—An Act to appropriate the sum of \$250 to pay the claim of Thomas D. Riordan.

Also: Senate Bill No. 196—An Act to amend Section 3440 of the Civil Code, relating to transfers of property presumed fraudulent.

Also: Senate Bill No. 347—An Act to amend the Act of March 23, 1893, relating to the powers of the Board of Trustees of the State Mining Bureau.

Also: Senate Bill No. 312—An Act to amend Section 224 of the Civil Code, relating to the adoption of children.

Also: Committee Substitute for Senate Bill No. 372—An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from taxation.

GEO. C. PARDEE,
Governor of the State of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 10, 1903.

To the Senate of the State of California:

I have the honor to respectfully return herewith, without my approval, Senate Bill No. 236, together with my reasons therefor.

This bill amends Section 3521 of the Political Code, relating to the time when patents to lands purchased from the State shall issue. The proposed amendments, in so far as they provide for a four weeks' publication of notice of intention to apply for a patent to State lands before such patent shall issue, seem to my mind to be a salutary addition to the law as it now stands. But the following amendment has also been added to this section:

"The provisions of this section shall not apply to tide lands, nor lands uncovered by the recession and drainage of the waters of inland lakes subject to sale under the Act of March 24, 1893, or to applications filed prior to the passage of this Act."

This would allow patents to all tide lands (which include water-front lands between high and low tide), and to all lands uncovered by recession and drainage of inland lakes, to issue without giving any public notice or waiting one year after approval of the survey by the Surveyor-General.

No sufficient reason has been given for this exemption of tide lands and lake lands from the provisions of this section.

I therefore disapprove this bill, and return the same without my signature.

GEO. C. PARDEE,
Governor of the State of California.

The question being, "Shall the bill become a law notwithstanding the objections of the Governor?"

The roll was called, and the Governor's veto to Senate Bill No. 236 sustained by the following vote:

AYES—None.

NOES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—32.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Pendleton:

Resolved, That Section 2 of Article IV of the Constitution and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Pendleton be and is hereby permitted to introduce Senate Bill No. 926.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Curtin, Diggs, Emmons, Flint, French, Hahn, Knowland, Lardner, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, and Williams—27.

NOES—None.

INTRODUCTION AND FIRST READING OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Pendleton: Senate Bill No. 926—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Bill read first time, and ordered on file without reference to committee.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Belshaw, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following:

Assembly Bill No. 406—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands.

Also: Assembly Bill No. 406—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Also: Assembly Bill No. 684—An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.

Also: Senate Bill No. 561—An Act to repeal an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901.

OLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Assembly Bill No. 405 read first time, and, on motion of Senator Oneal, ordered on file without reference to committee, being identical with Senate Bill No. 424.

Assembly Bill No. 406 read first time, and, on motion of Senator Oneal, ordered on file without reference to committee.

Assembly Bill No. 684 read first time, and referred to Committee on Agriculture and Dairying.

Senate Bill No. 561 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 829—An Act to create the office of official reporter

for the various Superior Courts of California, and for each department thereof, and to classify the counties of this State for the purpose of providing salaries and compensation for such officers, and to fix the same.

Also: Return at the request of your honorable body Senate Bill No. 583—An Act to amend Section 3805a of the Political Code, which amendment relates to the cancellation of assessments on State school lands, certificates of tax sales and tax deeds issued thereon, where a judgment or decree of court foreclosing the certificate of purchase thereon has been given and entered.

Also: Passed Committee Substitute for Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements and understandings in contravention of this Act, and providing remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water.

Also: Passed, as amended, Senate Bill No. 793—An Act to amend Sections 1197, 1206, and 1211 of the Political Code, relating to election ballots and manner of voting.

Also: Passed Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 829 read first time, and referred to Committee on Judiciary.

Senate Bill No. 199 ordered to enrollment.

Assembly Bill No. 288 read first time, and ordered on file without reference to committee.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 793?"

Strike out the word "printed," in line one hundred and ninety-three, page six, printed bill, and insert in lieu thereof the word "designated."

Also:

On page five, printed bill, line one hundred and fifty-seven, strike out the word "forty," and insert in lieu thereof the word "twenty-four." Also, in line one hundred and fifty-eight, page five, printed bill, strike out the word "ten," and insert in lieu thereof the word "twelve." Also, in line one hundred and fifty-nine, page five, printed bill, strike out the word "gothic," and insert in lieu thereof the words "body type."

Also:

Amend page five, printed bill, as follows: Strike out lines one hundred and thirty-three, one hundred and thirty-four, and one hundred and thirty-five, to and including the word "vote," and insert as follows:

"To vote a split ticket, that is, for candidates of different parties, stamp a cross (X) in the voting circle at the head of your party ticket, and a cross (X) after each candidate for whom you desire to vote, or stamp a cross (X) for each individual candidate, without stamping the circle.

"Where two or more candidates for the same office are to be elected and you desire to vote for a candidate of some other party, stamp a cross (X) after the names of all candidates for such office you desire to vote for."

Also:

Amend page seven after the word "written," in line nineteen, by inserting the following:

"Where a party ticket does not contain the names of candidates for all offices for which the voter may vote, he may vote a straight ticket of such party, vote for candidates for such offices so omitted by stamping a cross (X) in the voting square opposite the names of the candidates for such offices on any other ticket, or by writing the names, if they are not printed upon the ballot, in the blank column under the title of the office.

"Where two or more candidates for the same office are to be elected and the voter desires to vote for a candidate of some other party, he must stamp a cross (X) after the names of all candidates for such office he desires to vote for."

Also:

Strike out all after the word "office" in line one hundred and eighty-five, also all of lines one hundred and eighty-six, one hundred and eighty-seven, and one hundred and eighty-eight, on page six, printed bill, and insert in lieu thereof the following:

"If any ticket or list of candidates contains more candidates for any office than there are persons to be elected to such office, it shall be deemed that no nomination has been made for such office."

Also:

Amend page five, printed bill, by striking out lines one hundred and forty-nine to one hundred and fifty-two, inclusive, and inserting in lieu thereof as follows:

"ALL MARKS EXCEPT THE CROSS (X) ARE FORBIDDEN. ALL DISTINGUISHING MARKS OR ERASURES ARE FORBIDDEN."

Also: Amend the form of the ballot to conform with these instructions.

Also:

Amend in line forty, page two, printed bill, by striking out the words "two to be elected" and inserting in lieu thereof "vote for two." Also, amend the form of ballot between pages six and seven of printed bill by striking out the words "two to be elected" wherever those words occur, and inserting in lieu thereof the words "vote for two." Also, by striking out the words "four to be elected" wherever those words occur, and by inserting in lieu thereof the words "vote for four."

Also:

Amend by inserting after line fifteen, section three, page eight of the printed bill, three new subdivisions, to be numbered three, four, and five, to read as follows:

3. If a voter stamps in a circle at the head of one of the party columns, and also stamps in the voting square after the name of any candidate in the same or any other column, or writes the name of a person for such office in the blank column, such act does not invalidate his ballot, but his vote must be counted for the candidate opposite whose name the cross is made, or for the person whose name is so written in the blank column, and, as to all other offices, the ballot must be counted as a straight party vote for the candidates for the offices under the circle stamped; where, however, there are two or more persons to be elected to the same office, and the voter places a cross opposite the name of a candidate not in the party column beneath the circle so stamped, or writes a name in the blank column for such office, then the ballot cannot be counted as the candidates for such office designated in the voters party column, except in favor of those opposite whose names he also stamps a cross.

4. No mark upon a ballot which is unauthorized by this Act shall be held to invalidate such ballot, unless it shall appear that such mark was placed thereon by the voter for the purpose of identifying such ballot.

5. Amend by inserting after the word "candidates" in lines one hundred and one hundred and one, page four of the printed bill: "If the name of the same person is printed more than once on a ballot, as a candidate for the same office, the placing of a cross opposite such name in more than one of the different places where it is so printed must not be regarded as putting a distinguishing mark on the ballot, and it must be counted as one vote for such person."

Also:

Amend by adding a new subdivision to follow line thirty-five on page nine of printed bill, to read:

5. If the name of the same person is printed more than once on a ballot as a candidate for the same office, the placing of a cross opposite such name in more than one of the different places where it is so printed must not be regarded as putting a distinguishing mark on the ballot, and must be counted only as one vote for such person.

Also:

Insert the words "not on your party ticket" after the word "candidate," in line one hundred and forty-one, page five of printed bill.

Also:

Amend by striking out the words "without stamping the circle" in line one hundred and forty-three, on page five of printed bill, and inserting in lieu thereof the words "for whom you desire to vote and DO NOT STAMP your party voting circle."

Also:

Amend by adding after the word "forbidden" in line one hundred and sixty-two, page five, printed bill, the words "AND MAKE THE BALLOT VOID."

Also:

Amend by striking out from and including the word "where" in line one hundred and forty-four, page five of printed bill, to and including the word "for" in line one hundred and forty-seven of printed bill, and inserting in lieu thereof the words: "Where two or more candidates for the same office are to be elected and you desire to vote for candidates for that office who are on your party ticket, and also for candidates for that office who are not on such ticket, stamp a cross (X) after the names of all the candidates for the office for whom you desire to vote, whether they be on your party ticket or not."

Also:

Amend by striking out from caption of "Instructions to Voters" all the words in line four of said caption and inserting in lieu thereof the following words:

"Where two or more candidates for the same office are to be elected and you desire to vote for candidates for that office who are on your party ticket, and also for candidates for that office who are not on such ticket, stamp a cross (X) after the names of all the candidates for that office for whom you desire to vote, whether they be on your party ticket or not."

Also:

Amend by adding the words "not on your party ticket" after the word "candidate," in printed line two of caption "Instructions to Voters" on the form of ballot attached in the bill between pages six and seven.

Also:

Amend line three of caption "Instructions to Voters" in the ballot by striking out the words "without stamping the circle" and inserting in lieu thereof "for whom you desire to vote, and DO NOT STAMP your party voting circle."

Also:

Amend caption "Instructions to Voters" on the form of ballot attached in the bill between pages six and seven by inserting after the word "forbidden," in line nine, the following words: "and makes the ballot void."

Also:

Amend by striking out in line one hundred and sixty-seven, page five of printed bill, the word "twenty-four," and inserting in lieu thereof the word "forty."

Also:

Amend by striking out the words "twelve-point lower-case body type," in line one hundred and sixty-nine, page five of printed bill, and inserting in lieu thereof the words "ten-point lower-case gothic."

Also:

Amend by striking out the word "and," commencing in line thirty-seven, page two of printed bill, and inserting in lieu thereof the word "with."

Also:

Amend by inserting a comma after the words "candidates" and "only" in line eleven, page seven of the printed bill.

Also:

Amend by striking out lines twenty-eight, twenty-nine, thirty, and thirty-one on page seven of the printed bill, and inserting in lieu thereof the following words:

"Where two or more candidates for the same office are to be elected and the voter desires to vote for candidates for that office who are on the voter's party ticket and also for candidates for that office who are not on such ticket, he must stamp a cross (X) after the names of all the candidates for that office for whom the voter desires to vote, whether they be on his party ticket or not."

Also:

Amend by striking out the word "as" in line twenty-nine, page nine of the printed bill, and inserting in lieu thereof the word "for."

Also:

Amend by striking out the word "voters" in line thirty, page nine of the printed bill, and inserting in lieu thereof the word "voter's."

Also:

Strike out the form of ballot inserted between pages six and seven, printed bill, and substitute the following form of ballot: [See accompanying folder].

The roll was called, and the Assembly amendments to Senate Bill No. 793 concurred in by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Leavitt, Lukens, Muentner, Nelson, Oneal, Ralston, Rowell, Savage, Tyrrell of San Francisco, Ward, Williams, and Woodward—22.

NOES—None.

Senate Bill No. 793 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bills Nos. 20, 65, 75, 212, 227, 270, 576, 40, 493, 179, 205, and 537.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

At three o'clock and fifty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Pendleton:

Resolved, That S. B. 896, A. B. 517, S. B. 645, S. B. 665, A. B. 660, S. B. 440, S. B. 469, A. B. 619, A. B. 321, A. B. 635, S. B. 628, A. B. 908, A. B. 901, A. B. 944, A. B. 758, A. B. 743, S. B. 587, A. B. 396, S. B. 578, S. B. 780, A. B. 920, S. B. 514, A. B. 867, S. B. 906, S. B. 905, A. B. 531, S. B. 365, Sub. for S. B. 633, 643, 881, and A. B. 586, S. B. 644, A. B. 135, A. B. 613, S. B. 665, A. B. 563 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvaige, Shortridge, Smith, Ward, Welch, Williams, Wolfe, and Woodward—33.

NOES—None.

At four o'clock and forty minutes P. M., Hon. C. M. Belshaw, State Senator from the Eleventh Senatorial District, in the chair.

CONSIDERATION OF BILLS ON SPECIAL URGENCY FILE.

Senate Bill No. 896—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners.

Read third time.

Senator Devlin moved to refer to Senator Shortridge, as a special committee of one, to amend as follows:

Add to line five hundred and eleven, page fifteen, the following: "*provided, however*, that no lease, grant, or privilege shall be valid unless the same shall be approved by a writing signed by the Governor and the Mayor of the City and County of San Francisco, which shall be duly acknowledged in the same manner as grants of real estate and filed in the office of the Secretary of State. No such lease, grant, or privilege shall be sold, assigned, sublet, or incumbered in any manner save by like consent of the Governor of the State of California, and Mayor of the City and County of San Francisco, in writing,

to be acknowledged and filed as aforesaid; and any such sale, assignment, sublease, or incumbrance without such consent shall not only be void, but shall also operate as a breach of the original lease, grant, or privilege, and any such lease, grant, or privilege shall be deemed to have been made on these conditions."

Also:

After the part of a word "poses," in line four hundred and eighty-nine, page fourteen of printed bill, insert the following: "*provided, however,* that any lease so made by said Board of Harbor Commissioners to such person, firm or corporation shall not be or become effective for any purpose until the parties thereto execute in due form a proviso, and in addition thereto setting forth substantially as follows:

"That it is agreed by and between the said Board of Harbor Commissioners and the said person, firm or corporation desiring to lease said lands, that the said Board of Harbor Commissioners shall have full power and authority to decide all questions arising between the parties to said lease as to whether or not the said person, firm or corporation has fully and in good faith complied with all the terms and conditions of said lease, and whether or not any of the terms or conditions of said lease have been violated by the said person, firm or corporation, and that the decision of said Board of Harbor Commissioners upon any and all questions shall be final and binding upon said person, firm or corporation;

"That said person, firm or corporation will, in case of any violation of any of the terms or conditions of the lease, forfeit and pay to the said Board of Harbor Commissioners the sum of one hundred thousand dollars as liquidated damages therefor, which said sum of one hundred thousand dollars is hereby agreed upon by the said parties hereto as the amount of damages to be and that will be suffered by the said Board of Harbor Commissioners by reason of any violation of the terms or conditions of such lease by said person, firm or corporation.

"That said person, firm or corporation hereby agrees that in case of any litigation arising between the said Board of Harbor Commissioners and the said person, firm or corporation, their successors or assigns, regarding such lease or its provisions, or the rights or privileges of either party thereunder, the said person, firm or corporation in consideration of the rights and privileges granted by said lease will litigate the same in the courts of the State of California and will not appeal or apply in any manner to the courts of the United States with reference to said litigation, and the said person, firm or corporation does hereby waive any and all right it may have to appeal or apply to the courts of the United States with reference to any and all questions concerning such lease or the rights or privileges thereunder."

Also: Strike out of lines four hundred and eighty-nine and four hundred and ninety, page fourteen of printed bill, the words "provide for an annual rental not exceeding five hundred dollars" and insert in lieu thereof the following: "be sold to the highest and best bidder therefor."

Motion carried.

Senator Devlin moved that the proposed amendment be printed in the Journal, and that the bill retain its place on file.

Motion carried.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Ralston:

Resolved, That the Senate special urgency file be made a special order of business for this evening, Tuesday, March 10, 1903.

Resolution read and adopted.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Oneal:

Resolved, That a committee of three from the Senate be appointed, to be known as a conference committee, for the purpose of conferring with a like committee to be appointed by the Assembly, to determine upon what date the Legislature of California, at its present session, shall adjourn sine die.

Resolution read.

Senator Oneal moved that the rules be suspended and the resolution considered without reference to committee.

The question being on the motion to suspend the rules.

POINT OF ORDER.

Senator Curtin made the point of order that the resolution was out of order, inasmuch as the Assembly had already adopted a resolution fixing the time of adjournment.

The acting President ruled the point of order well taken, and the resolution out of order.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 610—An Act making an appropriation of \$52.40 to pay the claim of J. D. Collins, Sheriff of Fresno County, for the transportation of Frank Sutton, taken from Fresno, California, to Eldridge, on January 21, 1899, and for transporting Albert Dunn from Fresno, California, to Eldridge, on January 27, 1899—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Assembly Bill No. 924—An Act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years.

Also: Assembly Bill No. 531—An Act making an appropriation of \$5,000 to pay the claim of Frank H. Short for legal services rendered the State.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass as amended.

Also: Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the Inspector of Mines.

Also: Assembly Bill No. 191—An Act to appropriate the sum of \$520 to pay the claim of William Saunders against the State of California.

Also: Assembly Bill No. 194—An Act to appropriate \$1,250 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California.

Have had the same under consideration, and respectfully report the same back without recommendation.

DEVLIN, Chairman.

Assembly Bills Nos. 610, 924, 531, 30, 191, and 194 ordered on file.

RECESS.

At four o'clock and fifty minutes P. M., on motion of Senator Wolfe, the acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luch-singer, Lukens, Muenster, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selva-ge, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—35.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 636—An Act to add one new section to the Civil Code, to be numbered 1422, relating to appropriation of water, and work to be done by the claimant.

Substitute for Senate Bills Nos. 638, 881, 643, and Assembly Bill No. 586—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of

a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Senate Bill No. 524—An Act to amend an Act entitled "An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled an Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution, approved March 31, 1897," approved March 4, 1899, by amending Sections 5, 7, and 8 thereof.

HUBBELL, Chairman.

Senate Bills Nos. 636, 638, 881, 643, and 524, and Assembly Bill No. 586, ordered on file.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the special urgency file having been made a special order for this hour, the same was taken up.

Assembly Bill No. 517—An Act to amend Section 3423 of the Civil Code of the State of California.

Read third time on this day.

At the hour of recess, twelve o'clock and thirty minutes P. M., the following motion was pending:

Senator Hubbell moved to refer to Senator Oneal, as a special committee of one, to amend as follows:

Insert after the word "official," in line seventeen, section one, page two of printed bill, the words "except for good cause shown."

Also: Insert the word "lawfully" after the word "been," in line twenty, section one, page two of printed bill.

The question being on the motion to refer to special committee of one to amend.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bauer, Caldwell, French, Hubbell, Leavitt, Lukens, Oneal, Rowell, Sanford, Shortridge, and Tyrrell of San Francisco—11.

NOES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, Hahn, Knowland, Lardner, Luchsinger, Muentner, Nelson, Pendleton, Plunkett, Ralston, Savage, Selva, Smith, Ward, Williams, Wolfe, and Woodward—26.

Senator Lukens moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

By inserting the following, after the word "appointed," on page two, line twenty of section one:

"Nothing in this section contained shall be construed to relate to any position in the public schools or department of education."

Senator Lukens moved that the further consideration of the bill and pending motion be made a special order for Wednesday, March 11, 1903, immediately after the reading of the reports of standing committees.

The question being on the motion to make a special order.

The ayes and noes were demanded by Senators Lukens, Leavitt, and Bauer.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bauer, Caldwell, French, Hubbell, Leavitt, Lukens, Oneal, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, and Woodward—13.

NOES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, Hahn, Knowland, Lardner, Luchsinger, Muentner, Nelson, Pendleton, Plunkett, Ralston, Smith, Ward, Welch, Williams, and Wolfe—24.

The question being on the motion to refer to a special committee of one to amend.

The ayes and noes were demanded by Senators Lukens, Leavitt, and Oneal.

The roll was called.

CALL OF THE SENATE DENIED.

At eleven o'clock and fourteen minutes P. M., Senator Bauer moved a call of the Senate.

Motion lost.

Whereupon the President pro tem. announced that the motion to refer to a special committee of one to amend was lost by the following vote:

AYES—Senators Bauer, Caldwell, French, Hubbell, Leavitt, Lukens, Oneal, Rowell, Sanford, Shortridge, Tyrrell of San Francisco, and Woodward—12.

NOES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Hahn, Knowland, Lardner, Luchsinger, Muentner, Nelson, Pendleton, Plunkett, Ralston, Selvage, Smith, Ward, Welch, Williams, and Wolfe—24.

Senator Pendleton moved the previous question.

The question being, "Shall the main question be now put?"

The roll was called, and the motion carried by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, Hahn, Knowland, Lardner, Luchsinger, Muentner, Nelson, Pendleton, Plunkett, Ralston, Selvage, Smith, Ward, Welch, Williams, Wolfe, and Woodward—26.

NOES—Senators Bauer, Caldwell, French, Hubbell, Leavitt, Lukens, Oneal, Sanford, Shortridge, and Tyrrell of San Francisco—10.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 517 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, Hahn, Knowland, Lardner, Muentner, Nelson, Oneal, Pendleton, Ralston, Savage, Selvage, Smith, Ward, Williams, Wolfe, and Woodward—25.

NOES—Senators Bauer, Caldwell, French, Hubbell, Leavitt, Luchsinger, Lukens, Plunkett, Rowell, Sanford, Shortridge, and Tyrrell of San Francisco—12.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Oneal gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 517 was this day passed.

SPECIAL ORDER SET.

Senator Wolfe moved that the consideration of the special urgency file be made a special order immediately following the reading of the reports of standing committees.

Motion carried.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 633—An Act to amend Section 315 of the Penal Code of the State of California, relating to keeping or residing in a house of ill-fame.

Also: Assembly Bill No. 633—An Act regulating the hours of employment in underground mines, in smelting and ore-reduction works, and of hoisting engineers in and about mines.

Also: Assembly Bill No. 919—An Act to amend an Act entitled "An Act authorizing the Common Council, Board of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897.

Also: Assembly Bill No. 547—An Act to provide for the establishment and maintenance of an industrial institute and college for girls, and to provide an appropriation therefor.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 633 read first time, and referred to Committee on Public Morals.

Assembly Bill No. 693 read first time, and referred to Committee on Labor and Capital.

Assembly Bill No. 919 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 547 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 567—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees or supervisors, in counties, cities, cities and counties, or towns.

CLIO LLOYD, Chief Clerk.

By F. W. HEATHERLY, Assistant.

Senate Bill No. 567 ordered to enrollment.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the leasing of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Senator Leavitt moved that the Assembly amendments to Senate Bill No. 13 be considered on Wednesday, March 11, 1903, when messages from the Assembly are first taken up.

So ordered.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 22—An Act to appropriate \$35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital; to purchase furniture and furnish the building so to be erected by the Board of Managers of said State hospital; to appropriate money therefor and provide for the expenditure of the same.

Also: Senate Bill No. 37—An Act to appropriate the sum of \$7,500 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Also: Senate Bill No. 183—An Act to provide for purchasing land for the State fish hatchery at Sisson, in Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.

Also: Senate Bill No. 422—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 23 thereof.

Also: Senate Bill No. 509—An Act to appropriate the sum of \$142.50 to pay the claim of F. Phillips for money due and owing the said F. Phillips from the State of California.

Also: Senate Bill No. 560—An Act to amend an Act entitled "An Act to establish a Civil Code," relating to granting of divorces.

Also: Senate Bill No. 589—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco for commercial purposes, and other matters relating thereto,' approved March 30, 1872," approved March 11, 1874.

Also (as a case of urgency): Senate Bill No. 916—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Senate Bills Nos. 22, 37, 183, 422, 509, 560, 589, and 916 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 152—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Also: Senate Bill No. 320—An Act to create the office of sheep inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep.

Also: Assembly Bill No. 85—An Act to appropriate \$8,875.00 to pay the claim of the San Francisco Law and Collection Company against the State of California, upon a judgment recovered in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the Superior Court of the County of Sacramento.

Also: Assembly Bill No. 844—An Act providing for the casing of wells drilled for the production of petroleum or any other substance in any of the petroleum-producing districts of the State of California, and also providing for the filling up of such wells whenever the same are abandoned or operations are ceased therein, for the purpose of preventing water from either the overlying or underlying strata from penetrating the petroleum-bearing sands; providing for the notification of at least five owners of the oil lands nearest adjacent to the property upon which said well is being drilled of the intention of the operator to withdraw the casing or plug the well or of abandonment of operations; also, providing for the filing of affidavits with the County Recorder, providing for the penalty for violations.

Also: Assembly Bill No. 136—An Act to appropriate \$15,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said State Normal School; to improve the grounds of said State Normal School.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Senate Bills Nos. 152 and 320 ordered to enrollment.

Assembly Bill No. 85 read first time, and referred to Committee on Finance.

Assembly Bill No. 844 read first time, and referred to Committee on Mines and Mining.

Assembly Bill No. 136 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 704—An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts.

Also: Assembly Bill No. 530—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to Chapter V, Title XIII, Part I thereof, a new section, numbered 496½, relating to the punishment of attempts to commit grand or petit larceny.

Also: Assembly Bill No. 72—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes in the State of California.

Assembly Bill No. 704 read first time, and referred to Committee on Drainage, Swamp and Overflowed Lands.

Assembly Bill No. 530 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 72 read first time, and referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 203—An Act authorizing the Regents of the State University to hold farmers' insti-

tutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

Also: Senate Bill No. 924—An Act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying the same—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 244—An Act to appropriate \$25,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to purchase and install therein two passenger elevators; to make necessary repairs and improvements in the building of said State Normal School; to improve the grounds of said State Normal School—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

DEVLIN, Chairman.

Assembly Bill No. 203 and Senate Bills Nos. 924 and 244 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your Committee on Finance beg leave to report that, pursuant to a resolution adopted by your honorable body authorizing them to employ an expert, they engaged Knight & McLaren, expert accountants, of San Francisco, and that, under the direction of the committee, the said experts have examined the affairs of the California State Agricultural Society, and have submitted to your committee the following report:

SAN FRANCISCO, March 6, 1903.

To the Honorable the Finance Committee of the Senate of California, Sacramento:

GENTLEMEN: In fulfillment of your instructions to investigate the financial position and business methods of "The California State Agricultural Society," we proceeded to their office in the Pavilion, and after a careful examination beg to hand you the following report:

I.

The Society on the 1st of February, 1899, had, according to their books, a deficiency of	\$25,505 13
The State Fair and other business of 1899 left a profit of	1,859 28
Reducing the deficiency to	\$23,645 85
In 1900, on the contrary the State Fair business resulted in a loss of	12,964 64
Increasing the deficiency to	\$36,610 49
In 1901 the loss was	11,607 49
Increasing the deficiency to	\$48,217 98
In 1902 the loss was	12,720 72
Deficiency as per profit and loss account	\$60,938 70

But this must be increased by nearly all of the \$12,615.31 of entrance dues, which are reported by the acting Secretary to be uncollectible, besides other small losses.

These items will be referred to again.

The gate money collected at the yearly State fairs being by far the most important item of receipts, we present the following table showing the effects of reduced gate receipts on the profit and loss account:

Gate Receipts.

1899	\$42,524 00	Profit	\$1,859 00
1900	35,068 00	Loss	12,965 00
1901	32,766 00	Loss	11,607 00
1902	36,636 00	Loss	12,720 00

This table shows that the business is of a highly speculative nature, and with less than \$40,000 gate receipts, loss is a certainty.

The Society, therefore, having begun the year 1900 with a deficiency of	\$23,645 00
And having lost during the years 1900, 1901, 1902 the further sum of	37,293 00
And having further failed to collect entrance dues amounting to	12,616 00
And further minor expenses and losses	1,243 00

Making a total deficiency of

\$74,797 00

Has suspended payments, and ought as a natural and necessary consequence to refrain from further speculative business, realize the existing assets to pay the existing debts, and then reorganize on a healthier financial basis.

All this is, in our opinion, practicable, as we will now endeavor to show.

II.

The liabilities on February 28, 1903, shown on the books were.....	\$74,863 99
(Of which \$25,000 is secured by a lien on the real estate of the Society.)	
There is further a note given on behalf of the Society to secure a piece of ground to increase the area of the cattle show.....	7,110 00
Total liabilities.....	\$81,973 99
As interest runs during liquidation, we allow 6% for this.....	4,918 44
Total, if liquidated within one year.....	\$86,892 43

III.

The assets as shown by the books are as follows:

	Estimated Real Value.
Cash:	
In coin	\$66 08
In tags or overdrafts, etc.....	851 54
Balance as per books.....	\$917 62
But, of this we only admit as of real value the coin	\$66 08
Bank account overdrawn.....	
Other associations: \$165.50 in arbitration.....	
Entrance dues unpaid: \$12,616.31.....	

We annex analysis of this account, showing that items as old as 1891 have to be included to reach this total. On February 1, 1898, \$2,273.33 was written off to profit and loss. Since then nothing, although such debts become outlawed in two years.

We desire to call attention to a still more extraordinary fact shown in the analysis, namely, that whilst the entrance dues were practically paid in full in 1900 and 1901 (with a little to the good to pay arrears), in 1902 not a single dollar of the \$3,270 entrance dues has been paid up to the date of this report. We annex a list of the names. The Society should investigate whether this branch is efficiently conducted.

Real value for liquidation of assets shown in books..... \$66 08

Although not entered on the books, the Society owns in fee simple (as per paragraph 5 of judgment annexed) the Agricultural Park, Sacramento. At the suit of the California State Agricultural Society, Judge Matt F. Johnson, of the Superior Court of the County of Sacramento, ordered as follows on the 19th day of October, 1898:

"(a) That all the real estate described in the complaint herein and hereinafter particularly described be sold by said W. E. Gerber, who is hereby appointed commissioner for that purpose, and that said real property shall be sold in the following manner:

"1. The said commissioner * * * shall give and furnish a bond for \$90,000," and paragraph 7 of the same document states that the Society has deposited in escrow with the State Treasurer of California a good and sufficient deed vesting the title in the State of California.

Taking the amount of the bond as a conservative valuation of the property at the present time, we have..... \$90,000 00

Total assets..... \$90,066 08

Deduct total liabilities..... 86,892 43

Surplus for expenses..... \$3,173 65

You will note from the foregoing that we have not attempted a thorough verification of all the details of the books. To do this exhaustively would have required at least two weeks longer.

We are, gentlemen, yours very respectfully,

A. KNIGHT.
N. McLAREN.

Statements Annexed:

Trial Balance, February 28, 1903.

Analysis of Ledger account "Entrance Dues" (unpaid).

List of entrances unpaid for season 1902.

Copy of decree of Superior Court of Sacramento County entered November 4, 1898.

The State Agricultural Society, Trial Balance as of February 28, 1903.

Cash.....		\$917 62	
National Bank of D. O. Mills & Co.....			\$4,803 65
Other associations (in arbitration).....		165 50	
Bills payable.....			61,190 34
Futurity stakes.....			8,850 00
1903 Stallion.....	\$575 00		
1903 Occident.....	2,720 00		
1903 Stanford.....	1,225 00		
1903 Stallion foals.....	200 00		
		<u>\$4,720 00</u>	
1904 Occident.....	\$1,590 00		
1904 Stanford.....	775 00		
		<u>2,365 00</u>	
1905 Occident.....	\$960 00		
1905 Stallion.....	805 00		
		<u>1,765 00</u>	
		<u>\$8,850 00</u>	
Races, 1903.....			20 00
Entrances due.....		12,616 31	
Profit and loss.....		60,938 70	
Expense.....		18 95	
Salary.....		200 00	
Interest.....		6 91	
		<u>\$74,863 99</u>	<u>\$74,863 99</u>

Entrance Dues Unpaid.

Year.....	
1881 Ledger A, folio 68.....	\$160 00
1885 Ledger A, folio 68.....	340 00
1886 Ledger A, folio 68.....	565 00
1887 Ledger A, folios 68 and 101.....	350 00
	<u>\$1,415 00</u>
1888-9-90 Ledger B, folio 87.....	1,685 10
1891-2-3-4 Ledger B, folios 88 and 89.....	385 57
1895 Ledger B, folio 94.....	481 40
1896 Ledger B, folios 95 and 96.....	2,357 50
1897 Ledger B, folio 98.....	1,328 35
	<u>\$7,552 92</u>

On February 1, 1898, \$2,273.33 was written off to profit and loss, and the account was reopened with a debit balance of \$6,819.99, representing the total of all preceding years.....	\$6,819 99
1898 outstandings reduced.....	253 30
1899 outstandings on February 1, 1899.....	\$6,566 69
1899 Ledger B, pages 146-7, increase in unpaid dues.....	3,084 10
	<u>\$9,650 79</u>
1900 Ledger B, pages 148-9, decrease in unpaid dues.....	3 93
	<u>\$9,646 86</u>
1901 Ledger B, page 190, decrease in unpaid dues.....	54 45
	<u>\$9,592 41</u>
1902 Ledger B, pages 190-2, increase in unpaid dues.....	3,023 90
Total unpaid as per ledger.....	<u>\$12,616 31</u>

Entrances Due 1902.

Hall, F. H.	Pacing, 2:13 class	\$50 00
Brown & Blamey	Trotting, 2:20 class	50 00
Woodward, R. W.	Pacing, 2:25 class	60 00
Myers, Mrs. H. C.	Pacing, 2:25 class	60 00
Barber, Ead	Pacing, 2:25 class	60 00
Higby, Wm.	Pacing, 2:25 class	60 00
Ellis, Ed.	Pacing, 2:25 class	60 00
Moran, J. J.	Mackey Selling Stake	15 00
Dwain, Jas.	Trotting, 2:30 class	5 00
Christianson, S.	Trotting, 2:30 class	35 00
Atkins, J. P.	Rush Stake	10 00
Adams, Ward	Rush Stake	10 00
Baldwin, G. W.	Rush Stake	10 00
Turbiville, Mrs. I. H.	Rush Stake	10 00
Bardness, A.	Trotting, 2:24 class	30 00
Daly, J. A.	Pacing, 2:18 class	50 00
Myers, Mrs. I. C.	Pacing, 2:18 class	50 00
Sangster, John	Pacing, 2:18 class	50 00
Higby, Wm.	Pacing, 2:18 class	50 00
Atkins, J. P.	Vincitor Stake	10 00
Baldwin, G. W.	Vincitor Stake	10 00
Touhey, Jas.	Bella Vista Stake	10 00
Arvedson, C. A.	Trotting, 2:22 class	30 00
Nesbit, J. W.	Trotting, 2:22 class	30 00
Bardness, A.	Trotting, 2:22 class	30 00
Lumsden, W. H.	Trotting, 2:35 class	30 00
Bardness, A.	Trotting, 2:35 class	30 00
Christianson, S.	Trotting, 2:35 class	30 00
Olsen, J.	Trotting, 2:35 class	30 00
Moran, J. J.	Governor's Stake	10 00
Moran, J. J.	California Annual Stake	10 00
Sheridan, P.	California Annual Stake	20 00
Touhey, Jas.	California Annual Stake	40 00

\$1,045 00

Entrances Due Stallion Stake 1902—Race No. 63.

Stallions:		
Ashe, R. P.		\$20 00
Ashe, G.		20 00
Burke, J. N.		20 00
Baldwin, E. J.		80 00
Corrigan, E.		40 00
Chase, J. B.		20 00
Cassidy, H. E.		10 00
Ledgett, C. H.		20 00
Lopez, R. E.		20 00
Schreiber, B.		60 00
Foals:		\$310 00
Ashe, G.		180 00
Baldwin, E. J.		250 00
Burk, J. N.		30 00
Brown, J. G.		10 00
Chase, J. B.		75 00
Cone, D.		25 00
Corrigan, E.		105 00
Culver, E.		25 00
Irvine, W.		10 00
Jennings, W. B.		260 00
Lopez, R. E.		210 00
Mackey, Jno.		60 00
Ruinart Stock Farm		155 00
Schreiber, B.		125 00
Summers, G.		25 00
Touhey, Jas.		310 00
Van Gordon, Geo.		50 00
Chas. B. Scott & Co., overpaid		\$1,905 00
		10 00
		\$3,270 00

IN THE SUPERIOR COURT OF THE COUNTY OF SACRAMENTO,
STATE OF CALIFORNIA.

The California State Agricultural Society, a State Agricultural Society under State Control,

Plaintiff,

vs.

S. B. Smith, and S. B. Smith as trustee, S. Prentiss Smith, Frank Miller, and W. P. Harrington, as the executors of the last will and testament of Edgar Mills, deceased, Edgar Mills Jr., Adeline Mills, Florence A. Mills, Union Park Association, a corporation, John Doe, Thomas Doe, Richard Doe, William Doe, George Doe, Henry Doe, Robert Doe, Michael Doe, Joseph Doe, Helen Doe, Ann Doe, Jane Doe, Margaret Doe, Harriet Doe, O. C. McDonnell, John Brown, Thomas Brown, Richard Brown, William Brown, George Brown, Henry Brown, Robert Brown, Mary Brown, Helen Brown, Ann Brown, Jane Brown, Margaret Brown, Harriet Brown, James E. Mills, as the administrator of the estate of William O. Mills, deceased, Ansel Easton, Mrs. B. F. Hastings, surviving wife of B. F. Hastings, deceased, B. F. Hastings Jr., A. J. Rhoads, as the administrator of the estate of Thomas Sunderland, deceased, A. K. Grim, E. W. O'Neil, National Bank of D. O. Mills & Co., a corporation, and City of Sacramento (a municipal corporation), also all other persons or parties unknown claiming any right, title, estate, lien or interest in the real estate described in the complaint herein, and J. Klopenstein, Frank Powell, F. S. Malone, and Minnie Drew,

Defendants.

Decree entered November 4, 1898.

This action and proceeding coming on regularly this day for hearing and trial before the above-entitled court, sitting without a jury, upon the complaint of the plaintiff and the answer of the defendants, S. B. Smith, and S. B. Smith as trustee, said action having been dismissed as to the defendants, City of Sacramento, a municipal corporation, John Doe, Thomas Doe, Richard Doe, William Doe, George Doe, Henry Doe, Robert Doe, Michael Doe, Joseph Doe, Helen Doe, Ann Doe, Jane Doe, Margaret Doe, Harriet Doe, John Brown, Thomas Brown, Richard Brown, William Brown, George Brown, Henry Brown, Robert Brown, Mary Brown, Helen Brown, Ann Brown, Jane Brown, Margaret Brown, and Harriet Brown, without prejudice to the cause of action against the remaining defendants, and the defendants, J. Klopenstein, Frank Powell, and F. S. Malone, having withdrawn their answers herein, and consented in writing to the judgment in favor of plaintiff as prayed for in the said complaint, and the default of all the other defendants having been heretofore duly entered, and the court having received the evidence adduced in support of the pleadings, and being now duly advised, it appears to the satisfaction of the court as follows, to wit:

1.

That on the 4th day of February, in the year 1898, plaintiff herein caused to be filed in the office of the County Recorder of the County of Sacramento, State of California, a notice of the pendency of this action, which said notice contained the names of the parties thereto, a correct description of the premises affected thereby, being the premises hereinafter described, and the object of said action. That the said notice was duly recorded on the said day in the said office of the said County Recorder in Book C of Notices of Pendency of Actions, page 390, Sacramento County Records.

2.

That the defendants S. Prentiss Smith, Frank Miller and W. P. Harrington, as the executors of the last will and testament of Edgar Mills, deceased, Edgar Mills Jr., Adeline Mills, Florence A. Mills, Union Park Association, a corporation, O. C. McDonnell, James E. Mills, as the administrator of the estate of William O. Mills, deceased, Ansel Easton, Mrs. B. F. Hastings, surviving wife of B. F. Hastings, deceased, B. F. Hastings Jr., A. J. Rhoads, as the administrator of the estate of Thomas Sunderland, deceased, A. K. Grim, E. W. O'Neil, National Bank of D. O. Mills & Co., a corporation, and also all other parties unknown claiming any right, title, estate, lien or interest in the real estate described in the complaint herein were, and each of them was, duly and regularly served with process herein, to wit: with the summons and copy of complaint, and that the time allowed by law to the said defendants and each of them for appearing herein, or answering, or pleading to the complaint having expired as to each of them, and no answer or appearance or demurrer of any kind having been made within the time allowed by law, or at all, by the said defendants or any of them, the default of the said defendants and each of them have heretofore been regularly and duly entered in accordance with the provisions of law. That likewise the default of the defendant Minnie Drew has been entered according to law.

3.

That since the filing of the complaint herein the said A. K. Grim has made, executed and delivered to the plaintiff herein a conveyance granting to it all his right, title, claim and interest in and to all the property described in the said complaint. That likewise the said defendants, J. Klopenstein, Frank Powell and F. S. Malone, and each

of them, have executed and delivered to the plaintiff herein, a conveyance conveying to it all their right, title, claim and interest, and the title, claim and interest of each of them in and to the property described in the complaint.

4.

That all the allegations contained in the said complaint of plaintiff are, and each of them is true.

5.

That the plaintiff is the owner in fee simple title of all the real property described in subdivisions A, B, and E, of paragraph four of the said complaint, described as follows, to wit: All that real property situate in the City of Sacramento, County of Sacramento, State of California, and on the official map or plan of said City of Sacramento on file in the office of the County Recorder of the County of Sacramento, State of California, known, designated, and described as follows, to wit:

The block bounded by B and C and Twentieth and Twenty-first streets; the block bounded by C and D and Twentieth and Twenty-first streets; the block bounded by C and D and Twenty-first and Twenty-second streets; the block bounded by D and E and Twentieth and Twenty-first streets; the block bounded by D and E and Twenty-first and Twenty-second streets; the block bounded by B and C and Twenty-first and Twenty-second streets. Lots numbers seven (7) and eight (8) in block bounded by B and C and Twenty-second and Twenty-third streets; lots numbers one (1), two (2), seven (7), and eight (8), and all that portion of lots numbers three (3) and six (6) lying and being on the inside of the fence enclosing the grounds and race track of the plaintiff in the block bounded by C and D and Twenty-second and Twenty-third streets.

Lots numbers one (1), two (2), seven (7), and eight (8) in the block bounded by D and E and Twenty-second and Twenty-third streets; lots numbers one (1), two (2), seven (7), and eight (8), in the block bounded by E and F and Twenty-second and Twenty-third streets; lots numbers one (1), two (2), seven (7), and eight (8) in the block bounded by F and G and Twenty-second and Twenty-third streets; lots numbers one (1), two (2), seven (7), and eight (8) in the block bounded by G and H and Twenty-second and Twenty-third streets, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining.

And that it is the equitable owner of the property described in subdivisions C and D of paragraph four of the said complaint, the legal title to the same now being in the defendant, S. B. Smith, as trustee, which is described as follows, to wit:

All those certain lots, pieces or parcels of land situate in the City of Sacramento, County of Sacramento, State of California, and on the official map or plan of said City of Sacramento on file in the office of the County Recorder of the County of Sacramento, State of California, known, designated, and described as follows, to wit:

The block bounded by E and F and Twenty-first and Twenty-second streets; the block bounded by G and H and Twenty-first and Twenty-second streets; the block bounded by F and G and Twentieth and Twenty-first streets; the block bounded by G and H and Twentieth and Twenty-first streets; the block bounded by F and G and Twenty-first and Twenty-second streets; the block bounded by E and F and Twentieth and Twenty-first streets. Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or appertaining.

That the said plaintiff is entitled to have made, executed and delivered to it by the said S. B. Smith, as such trustee, a conveyance conveying to it in fee simple title all the property so described in subdivisions C and D of paragraph four of the said complaint and hereinbefore last described. As the trust under which said title was and is held has been closed and fully performed and the purpose for which the said trust was created has ceased and its objects have been entirely fulfilled and all the beneficial interest in and to said property has become and is now vested in the said plaintiff, the said S. B. Smith, as such trustee, is hereby directed and ordered to forthwith grant and to convey by a good and sufficient deed in fee simple all the property described in subdivisions C and D of paragraph four of the said complaint and hereinbefore last described.

6.

That at this date, to wit, October 18th, 1898, there is due, owing and unpaid from plaintiff to the defendant National Bank of D. O. Mills & Co., a corporation, the sum of twenty-eight thousand sixty and 86-100ths dollars in gold coin of the United States, for money borrowed from said bank, with interest thereon up to the date of this decree, and the said indebtedness does now constitute a lien upon all the property of the said plaintiff as described in the said complaint and as hereinbefore described.

7.

That said plaintiff is a State Agricultural Society under State control, and desires to sell all of its real estate in accordance with an Act of the Legislature of the State of California, approved February 25, 1897, entitled "An Act to authorize State Agricultural Societies under the control of the State, to sell property held by them in fee, or held by trustees for their use, or in which they may have any interest, to prescribe a course of procedure therefor, to indemnify purchasers at such sale, and to direct how the proceeds shall be applied." That the said complaint of plaintiff was filed in conformity with said Act, and complies with all the provisions thereof.

That the said plaintiff under and pursuant to the provisions of said statute did before

the filing of the complaint in this action prepare, sign, and properly acknowledge a good and sufficient deed sufficient to vest in the State of California all title, interest, and claim which the plaintiff may have in and to any land described in the complaint, and deposit the said deed with the State Treasurer of the State of California to be held by him in escrow, as provided by said Act, and he now holds the same in escrow pursuant to the provisions thereof.

That the plaintiff did, by a resolution duly passed, signify its desire to sell all of the property hereinbefore and also, in the complaint described, did provide for all the expenses to be incurred in this proceeding, and that all acts and things required to be done by said Act have been fully done and performed.

8.

That it is for the best interests of the plaintiff that the said real estate should be sold.

9.

That W. E. Gerber is a fit and competent person to act as Commissioner and make the sale hereinafter ordered, and that the sum of ninety thousand dollars, lawful money of the United States, is the proper amount for an undertaking to be given by him, with two or more sureties, or a bond in said amount by some company, corporation, or association authorized by law to give bonds in legal proceedings, to be approved by the Judge of this Court, for the faithful performance of his duties as such Commissioner.

Now, therefore, the Court being fully advised, it is therefore ordered, adjudged and decreed as follows, to wit:

(a) That all the real estate described in the complaint herein and hereinafter particularly described, be sold by said W. E. Gerber, who is hereby appointed Commissioner for that purpose, and that said real property shall be sold in the following manner:

1. The said Commissioner, before entering upon the discharge of his duties, shall take the oath of office prescribed by law, and shall give and furnish to the State of California, for the benefit of all persons interested therein, an undertaking in the sum of ninety thousand dollars, lawful money of the United States, with two or more sureties, or a bond of some company, corporation or association authorized by law to give bonds in legal proceedings, to be approved by the Judge of this Court, for the faithful performance of his duties.

2. Upon the qualifications of the said Commissioner, a certified copy of this order and decree shall be issued and delivered to the said Commissioner by the Clerk of this Court, and thereupon the said Commissioner shall proceed to carry the same into effect.

3. Upon the receipt of the said certified copy of this order and decree, the said Commissioner shall immediately proceed to give notice of the sale of the property hereinbefore described, and which said notice shall be given as follows, to wit: Notice of the same shall be posted up in three of the most public places in the City of Sacramento, County of Sacramento, State of California, and published in the Daily Evening Bee and the Daily Record-Union, both newspapers printed and published in the City of Sacramento, County of Sacramento, State of California, for ten days successively except Sundays and other holidays, next before the day on or after which the sale is to be made, in which the lands and tenements to be sold shall be described with common certainty. Said notice must also state and name a day on or after which the sale will be made, and the place where offers or bids will be received. The day last referred to must be at least fourteen days from the first publication of the notice and the sale must not be made before that day, but must be made within six months thereafter. Said notice shall also state that said sale shall be made subject to the confirmation of the Superior Court of the County of Sacramento, State of California, in accordance with the Act of the Legislature hereinbefore referred to. The bids or offers must be in writing and must be sealed and may be left at the place designated in the said notice or delivered to the said Commissioner personally at any time after the first publication of the notice and before the making of the sale. Each bid or offer shall be accompanied by a cash deposit, or a certified check for ten per cent of the amount of the bid or offer, to be certified by some responsible bank doing business in the State of California, made payable to the said Commissioner.

Said notice shall also state that bids or offers may be made for all of the real estate described in any of the subdivisions A or B or C or D or E as hereinafter described, or that bids or offers may be made for the whole of the real estate described in subdivisions A, B and E in one parcel, but bids or offers for the real estate described in subdivisions C and D must be made separately from the other real estate described in the other parcels and from each other, or that bids or offers may be made for any of the blocks or any lot or lots in any block in any of said subdivisions A or B or C or D or E as hereinafter described.

That immediately upon the expiration of the said notice of sale, the said Commissioner shall open all the said bids or offers, and tabulate the same, and thereupon shall sell the said real property hereinafter described to the highest and best bidder therefor, subject to confirmation by the Superior Court of the County of Sacramento; provided, however, that if the aggregate bids for all the lots in any subdivision as hereinafter described shall not exceed the bid or offer for such subdivision, then the said sale shall be made to the person offering the best and highest price for such subdivision, and immediately upon the said sale the said Commissioner shall make a verified report of

sales to this Court in conformity with law, and thereafter such proceedings shall be had as is provided in the Act of the Legislature, approved February 25, 1897, and hereinabove referred to, and the proceeds thereof shall be paid and applied in accordance with the said Act and the further order of this Court.

(b) The following is a particular description of the real property described in the complaint of the plaintiff, and the sale of which is ordered as aforesaid, the same being described in subdivisions A, B, C, D, and E, and being the same subdivisions as hereinbefore referred to:

All that real property situate in the City of Sacramento, County of Sacramento, State of California, and on the official map or plan of said City of Sacramento on file in the office of the County Recorder of the County of Sacramento, State of California, known, designated and described as follows, to wit:

Subdivision "A."

The block bounded by B and C and Twentieth and Twenty-first streets; the block bounded by C and D and Twentieth and Twenty-first streets; the block bounded by C and D and Twenty-first and Twenty-second streets; the block bounded by D and E and Twentieth and Twenty-first streets; the block bounded by D and E and Twenty-first and Twenty-second streets; and the hereditaments thereunto belonging or appertaining.

Subdivision "B."

The block bounded by B and C and Twenty-first and Twenty-second streets, and the hereditaments thereunto belonging or appertaining.

Subdivision "C."

The block bounded by E and F and Twenty-first and Twenty-second streets; the block bounded by G and H and Twenty-first and Twenty-second streets; the block bounded by F and G and Twentieth and Twenty-first streets; the block bounded by G and H and Twentieth and Twenty-first streets; the block bounded by F and G and Twenty-first and Twenty-second streets; and the hereditaments thereunto belonging or appertaining.

Subdivision "D."

The block bounded by E and F and Twentieth and Twenty-first streets, and the hereditaments thereunto belonging or appertaining.

Subdivision "E."

Lots numbers seven (7) and eight (8) in the block bounded by B and C and Twenty-second and Twenty-third streets; lots numbers one (1), two (2), seven (7), and eight (8) and all that portion of lots numbers three (3) and six (6) lying and being on the inside of the fence enclosing the grounds and race-track of the plaintiff in the block bounded by C and D and Twenty-second and Twenty-third streets; lots numbers one (1), two (2), seven (7), and eight (8) in the block bounded by D and E and Twenty-second and Twenty-third streets; lots numbers one (1), two (2), seven (7), and eight (8) in the block bounded by E and F and Twenty-second and Twenty-third streets; lots numbers one (1), two (2), seven (7), and eight (8) in the block bounded by F and G and Twenty-second and Twenty-third streets; lots numbers one (1), two (2), seven (7), and eight (8) in the block bounded by G and H and Twenty-second and Twenty-third streets, and the hereditaments thereunto belonging or appertaining.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or appertaining.

Done in open court this 19th day of October, in the year 1898.

MATT F. JOHNSON,
Judge of the Superior Court.

[Seal of the Superior Court of Sacramento County, California.]

Attest:

W. B. HAMILTON, Clerk.

By E. F. PFUND, Deputy.

[Indorsed on the back thereof: Filed Nov. 4, 1898.]

W. B. HAMILTON, Clerk.

By E. F. PFUND, Deputy.]

Your committee, after a full consideration of said report and all the affairs of the Society, recommend that a special committee of three hold-over Senators be appointed by the President of the Senate, who shall have the power to examine more fully into the affairs of said Society and who shall be directed to make a report of their investigations at the next session of the Senate, and we do further recommend that said committee of hold-over Senators may incur an expense not to exceed five hundred dollars for the purpose of employing an expert or experts and for the payment of such other expense as may be necessary in the performance of their duties, the said sum to be paid out of the Contingent Fund of the Senate at its next session.

Respectfully submitted.

DEVLIN, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

Your Committee on Finance beg leave to report that in the matter of the investigation of the California State Agricultural Society they have incurred expense as follows:

Knight & McLaren, expert accountants, in the sum of \$120.90, as per bill attached; also to B. C. Brier, for telegraphing, \$2.75, as per bill attached, and your committee recommend the adoption of the following resolution:

Resolved, That a warrant be drawn in favor of R. T. Devlin, chairman of your committee, for the sum of \$123.65 for the payment of the following bills:

Knight & McLaren.....	\$120 90
B. C. Brier.....	2 75

payable out of the Contingent Fund of the Senate for the thirty-fifth session.

Respectfully submitted.

DEVLIN, Chairman.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

ON CONSTITUTIONAL AMENDMENTS.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your Committee on Constitutional Amendments, to whom was referred Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XIII of said Constitution, relating to revenue and taxation, by striking out and repealing Sections 4 and 5 of said article, and amending Section 1 of said article—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted as amended.

WARD, Chairman.

Assembly Constitutional Amendment No. 24 ordered on file.

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 378—An Act to amend Section 74, relating to the duties of persons solemnizing marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Also: Assembly Bill No. 379—An Act to amend Section 70, relating to the solemnization of marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1876.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 101—An Act to amend Section 751 of the Code of Civil Procedure of California, relating to the determination of adverse claims to real property.

Also: Assembly Bill No. 437—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

Also: Assembly Bill No. 444—An Act to amend Sections 410, 412, 413, and 415 of the Code of Civil Procedure, all relating to the service of summonses in civil actions.

Also: Assembly Bill No. 446—An Act to amend Section 408 of the Code of Civil Procedure, relating to the summonses in civil cases.

Also: Assembly Bill No. 466—An Act to repeal Section 1718 of the Code of Civil Procedure of the State of California, relating to the appointment of attorneys for minor or absent heirs.

Also: Assembly Bill No. 540—An Act to amend and re-enact Section 1126 of the Code of Civil Procedure, relating to appeals in contested election cases.

Have had the same under consideration, and respectfully report the same back without recommendation.

LUKENS, Chairman.

Assembly Bills Nos. 378, 379, 101, 437, 444, 446, 466, and 540 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 912—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session.

Senate Bill No. 206—An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the State Board of Examiners (the payment of which claim has been approved by said board in accordance with Section 666 of the Political Code) in that certain action in the Supreme Court of the State of California, entitled: County of San Luis Obispo vs. Henry T. Gage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tirey L. Ford, Attorney-General of the State of California; Henry T. Gage, chairman of the Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners; Tirey L. Ford, member of the State Board of Examiners; Henry T. Gage, Charles F. Curry, and Tirey L. Ford, constituting and composing the State Board of Examiners of the State of California, numbered Sac-

ramento, No. 1042 and also in that certain action commenced in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled: County of Hakes vs. Henry T. Gaage, Governor of the State of California; Charles F. Curry, Secretary of State of the State of California; Tracy L. Ford, Attorney-General of the State of California; Henry T. Gaage, Chairman of the State Board of Examiners of the State of California; Charles F. Curry, member of the State Board of Examiners of the State of California; Tracy L. Ford, member of the State Board of Examiners of the State of California; Henry T. Gaage, Charles F. Curry, and Tracy L. Ford, constituting and comprising the State Board of Examiners of the State of California, No. 9902, and also in those certain actions commenced in and pending by the Superior Court of the State of California in and for the County of Sacramento, and which were therein entitled: W. L. Wood vs. State of California, No. 9555; W. L. Wood vs. State of California, No. 9622; Charles Rogers Keys, State of California, No. 9606; National Bank of D. O. Mills & Co. vs. State of California, No. 9610; J. J. Bauer vs. State of California, No. 9604; C. A. Wenger vs. State of California, No. 9609; A. I. Lightner vs. State of California, No. 9613; Geo. Leunig vs. State of California, No. 9611; U. A. Pomeroy vs. State of California, No. 9610; I. C. Walters vs. State of California, No. 9612; W. S. Hopkins vs. State of California, No. 9626; E. Westerman vs. State of California, No. 9615; J. F. Pryor vs. State of California, No. 9614; W. R. Waldron vs. State of California, No. 9617; San Francisco Law and Collection Co. vs. State of California, No. 9555; N. Westerman vs. State of California, No. 9616; San Francisco Law and Collection Co. vs. State of California, No. 9907; and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, and which was therein entitled: Samuel Davis vs. State of California, No. 9606, and also in that certain action in the Superior Court of the State of California in and for the County of Sacramento, which was therein entitled: Samuel Davis vs. State of California, No. 9671.

Senate Bill No. 287—An Act to amend Sections 3, 4, and 6 of an Act entitled "An Act to create a Bureau of Health, and Life Insurance and Pension Fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901.

Senate Bill No. 999—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as Section 25, relating to the powers of Boards of Supervisors to lay out, establish, improve and maintain public highways.

Senate Bill No. 996—An Act to amend Section 142 of the Political Code of the State of California relating to the Joint Board of Normal School Trustees.

And report that the same have been correctly enrolled and presented the same to the Governor on the 10th day of March, 1903, at eight o'clock and fifty-five minutes P. M.

HUBBELL, Chairman.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Wolfe moved that the vote whereby Assembly Bill No. 3—An Act making an appropriation to pay a judgment for the sum of \$5,880, rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant, numbered 11,873, which judgment was entered and recorded on May 2, 1902, in Judgment Book No. 19 of Department One of said Superior Court, at page 392—was passed, be now reconsidered.

The motion was duly seconded.

Senator Wolfe moved that further consideration of the motion to reconsider the vote whereby Assembly Bill No. 3 was passed be postponed until next legislative day.

So ordered.

ADJOURNMENT.

At eleven o'clock and thirty minutes P. M., on motion of Senator Ralston, the President pro tem, declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,
Wednesday, March 11, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—33.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, March 10, 1903, the further reading was dispensed with, on motion of Senator Lardner.

APPROVAL OF JOURNAL.

The Journal of Monday, March 9, 1903, having been corrected, was read and approved.

RESOLUTIONS.

The following resolutions were offered:

By Senator Leavitt:

Be it Resolved, That Miss K. V. Hannon be and she is hereby allowed the sum of ten (\$10.00) dollars for stenographic work done and performed on the 5th and 6th days of January, 1903, for the Caucus Committee on Attachés, and the Controller is hereby ordered to draw his warrant in favor of Miss K. V. Hannon for the sum of ten (\$10.00) dollars against the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Pendleton:

Resolved, That Senate Bill No. 926 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the resolution.

Senator Leavitt moved the previous question.

The question being, "Shall the main question be now put?"

Motion carried.

The question being on the adoption of the resolution.

The roll was called, and Section 15 of Article IV of the Constitution suspended and the resolution adopted by the following vote:

AYES—Senators Belshaw, Byrnes, Coggins, Corlett, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Ward, Williams, and Woodward—27.

NOES—Senator Rowell—1.

CASE OF URGENCY.

Senate Bill No. 926—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 926 passed by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Ward, Wolfe, and Woodward—27.

NOES—None.

RESOLUTIONS—(RESUMED).

By Senator Lardner:

Resolved, That Senate Bills Nos. 924, 886 (109 on file) present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

Senator Lukens moved to amend by adding Senate Bill No. 439 to the resolution.

The question being on the motion to amend.

The ayes and noes were demanded by Senators Oneal, Rowell, and Lukens.

The roll was called, and the motion carried by the following vote:

AYES—Senators Coggins, Curtin, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Pendleton, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—20.

NOES—Senators Bauer, Belshaw, Corlett, Flint, Greenwell, Luchsinger, Oneal, Ralston, and Rowell—9.

The question being on the adoption of the resolution as amended.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Senators Coggins, Curtin, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Pendleton, Ralston, Savage, Selvage, Shortridge, Smith, Ward, Welch, Williams, Wolfe, and Woodward—19.

NOES—Senators Bauer, Belshaw, Caldwell, Corlett, Diggs, Flint, Oneal, Rowell, and Sanford—9.

RESOLUTIONS—(RESUMED).

By Senator Ward:

Resolved, That the Secretary of State is hereby instructed to deliver to each Senator a copy of the work known as Constitutional Debates.

Resolution read and adopted.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 515—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

ROWELL, Chairman.

Assembly Bill No. 515 ordered on file.

ON DRAINAGE, SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Drainage, Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 704—An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

LUCHSINGER, Chairman.

Assembly Bill No. 704 ordered on file.

ON FRUIT AND VINE INTERESTS.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Fruit and Vine Interests, to whom was referred Assembly Bill No. 474—An Act to amend Section 6 of an Act entitled "An Act to create and establish a State Board of Horticulture and appropriate money for the expenses thereof," approved March 7, 1889.

Also: Assembly Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties, and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological research.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

GREENWELL, Chairman.

Assembly Bills Nos. 474 and 429 ordered on file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Section 2 of Article IV of the Constitution and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Belshaw be and is hereby permitted to introduce Senate Concurrent Resolution No. 19.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Ward, Williams, and Woodward—27.

NOES—None.

INTRODUCTION OF CONCURRENT RESOLUTION.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following concurrent resolution was introduced:

By Senator Belshaw: Senate Concurrent Resolution No. 19—Relative to the printing for distribution by the Secretary of State to certain county officers of additional copies of Senate Bills Nos. 792 and 793.

Referred to Committee on Printing.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the special urgency file having been made a special order for this hour, the same was taken up.

Senate Bill No. 896—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners.

On motion of Senator Lardner, passed on file, to retain place.

Senate Bill No. 645—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or second-hand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 645 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Corlett, Curtin, Diggs, Flint, French, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock A. M., Hon. C. M. Belshaw, State Senator from the Eleventh Senatorial District, in the chair.

Senate Bill No. 665—An Act to amend Sections 3571 and 3572 of the Political Code of the State of California, relating to public lands.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 665 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Diggs, French, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

TRANSPOSITION OF BILLS ON FILE.

On motion of Senator Lukens, Senate Bill No. 440—An Act regulating the business of abstracting, searching, and certifying to the public records of the several counties of the State of California—was transposed on file for Assembly Bill No. 613.

Assembly Bill No. 613—An Act to add a new section to the Political Code, to be numbered 1003a, relating to vacancies in office.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 613 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Coggins, Corlett, Curtin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Rowell, Sanford, Savage, Selvage, Smith, Ward, Williams, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the motion to reconsider the vote whereby Senate Bill No. 224 was refused passage having been made a special order for this hour, the same was taken up.

Senate Bill No. 224—An Act to appropriate the sum of \$1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

The motion to reconsider the vote whereby Senate Bill No. 224 was refused passage, having been made by Senator Williams on a previous day.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Diggs, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Sanford, Selvage, Smith, Tyrrell of San Francisco, Williams, Wolfe, and Woodward—26.

NOES—Senator Savage—1.

Senate Bill No. 224—An Act to appropriate the sum of \$1,000 to pay the claim of Sergeant-Major Eugene De Sparr.

The vote whereby the bill was refused passage having been reconsidered.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Oneal moved a call of the Senate.

The question being on the motion for a call of the Senate.

The ayes and noes were demanded by Senators Oneal, Bunkers, and Bauer.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Selvage, Shortridge, Tyrrell of San Francisco, Welch, Williams, Wolfe, and Woodward—24.

NOES—Senators Belshaw, Caldwell, Coggins, Pendleton, Ralston, Rowell, Savage, Smith, and Ward—9.

Time, eleven o'clock and twenty minutes A. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—37.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and twenty-seven minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Oneal.

The roll of absentees was called.

Whereupon the President pro tem. announced that Senate Bill No. 224 had been passed by the following vote:

AYES—Senators Bauer, Bunkers, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Selvage, Shortridge, Tyrrell of San Francisco, Welch, Williams, and Wolfe—23.

NOES—Senators Belshaw, Caldwell, Coggins, Hahn, Hubbell, Pendleton, Ralston, Sanford, Savage, Smith, Ward, and Woodward—12.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL URGENCY FILE.

Senate Bill No. 469—An Act to repeal an Act entitled "An Act concerning the fees of jurors and witnesses in the City and County of San Francisco," approved February 27, 1866.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 469 passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Ralston, Rowell, Savage, Selva, Tyrrell of San Francisco, Ward, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 660—An Act to appropriate the sum of \$540 to pay the claim of M. A. Forster against the State of California upon a judgment recovered in an action entitled "M. A. Forster vs. The State of California," in the Superior Court of the County of Orange.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 660 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, French, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Oneal, Ralston, Rowell, Sanford, Selva, Smith, Ward, Williams, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 619—An Act relating to weights and weighers for warehousemen and wharfingers, and matters connected therewith.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 619 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Coggins, Corlett, Curtin, Diggs, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Oneal, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Ward, and Woodward—24.

NOES—Senators Leavitt, Nelson, and Tyrrell of San Francisco—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Oneal moved that the vote whereby Assembly Bill No. 517—An Act to amend Section 3423 of the Civil Code of the State of California—was passed, be now reconsidered.

Senator Curtin moved that the motion to reconsider be laid on the table.
The question being on the motion to lay on the table.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bauer, Caldwell, Devlin, Flint, Hubbell, Leavitt, Luchsinger, Lukens, Oneal, Sanford, Shortridge, and Tyrrell of San Francisco—12.

NOES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Diggs, Greenwell, Hahn, Knowland, Lardner, Muentner, Nelson, Pendleton, Ralston, Rowell, Savage, Smith, Ward, Welch, Williams, Wolfe, and Woodward—23.

Senator Ralston moved the previous question.

The question being, "Shall the main question be now put?"

The roll was called, and the motion carried by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Hahn, Knowland, Lardner, Muentner, Nelson, Pendleton, Ralston, Savage, Selva, Smith, Ward, Welch, Williams, Wolfe, and Woodward—25.

NOES—Senators Bauer, Caldwell, French, Hubbell, Leavitt, Luchsinger, Lukens, Oneal, Rowell, Sanford, and Tyrrell of San Francisco—11.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bauer, Caldwell, Hubbell, Leavitt, Luchsinger, Lukens, Oneal, Rowell, Sanford, Shortridge, and Tyrrell of San Francisco—11.

NOES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Knowland, Lardner, Muentner, Nelson, Pendleton, Ralston, Savage, Selva, Smith, Ward, Welch, Williams, Wolfe, and Woodward—26.

Bill ordered transmitted to the Assembly.

EXPLANATION OF VOTE.

I voted in favor of the reconsideration of the vote whereby Assembly Bill No. 517 was passed, because on yesterday I had the following amendment to offer, which was shut out by a motion made and carried, calling for the previous question, and which precluded my presenting the amendment. It provides a new subdivision to Assembly Bill No. 517 in behalf of the laboring classes, and is as follows:

"Subdivision 8. To prevent or restrain, for any cause whatever, any person, persons or organized body of persons, from quitting the employment of any person, firm or corporation or association at any time; or from peaceably soliciting others to quit any employment."

If the Legislature desires to limit the law under which injunctions may issue, I most certainly desire that it be limited in this regard.

Respectfully submitted.

F. W. LEAVITT.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 919—An Act to amend an Act entitled "An Act authorizing the Common Council, Board of Trustees or other governing body of any incorporated city or town, other than cities of the first class, to issue bonds therefor and to provide for the payment of the same," approved March 9, 1897—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass as amended.

SAVAGE, Chairman.

Assembly Bill No. 919 ordered on file.

REPORT OF SPECIAL COMMITTEE.

The following report of the Special Committee on Inaugural Ceremonies was received:

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Inaugural Ceremonies, to whom was referred the conduct of the inauguration, beg leave to report that, in conjunction with the com-

mittee appointed by the Assembly, they have approved bills therefor aggregating the sum of one thousand eight hundred and twenty-three and ninety one-hundredths (\$1,823.90) dollars, as per Schedule "A" annexed hereto and made a part hereof. That the payment of the said sums was, under the terms of the resolution appointing your committee, to be made one half (\$911.95) out of the Contingent Fund of the Senate, and one half (\$911.95) out of the Contingent Fund of the Assembly. We therefore respectfully move the adoption of the following resolution:

Resolved, That the Committee on Inaugural Ceremonies be and they are hereby authorized to draw on account of the expenses of the said ceremonies the sum of nine hundred and eleven and ninety-five one-hundredths (\$911.95) dollars, and the Controller of State is hereby requested to draw his warrant for the said sum in favor of G. R. Lukens, Chairman of the Committee on Inaugural Ceremonies, and the Treasurer of State is directed to pay the same out of the Contingent Fund of the Senate.

LUKENS, Chairman.

(Schedule "A.")

Statement of Expenses of Inaugural Ceremonies, January 7, 1903.

Southern Pacific Company, transportation furnished various companies of the National Guard of California	\$1,167 40
Second Infantry Band (Wm. Hale, Manager), music	100 00
Troop "B," Third Brigade, N. G. C., salutes	75 00
Troop "B," Third Brigade, N. G. C., horse hire	74 00
J. A. Blair, horse hire	24 00
Fashion Stables (Paine & Wright), carriage hire	25 00
A. J. Wilson, carriage hire	40 00
J. A. Lafferty & Son, carriage hire	20 00
M. Miller, carriage hire	10 00
H. U. Hand, music	27 00
J. T. Stafford, Sergeant-at-Arms Assembly, to extra help putting Assembly chamber in order for Inaugural Ceremonies, viz.:	
John F. Hynes, two days at \$3.00	\$6 00
Wm. Matthews, two days at \$3.00	6 00
E. D. Young, two days at \$3.00	6 00
Barney Hughes, two days at \$3.00	6 00
Frank Littlejohn, two days at \$3.00	6 00
O. T. Pierce, two days at \$3.00	6 00
	36 00
J. T. Stafford, Sergeant-at-Arms Assembly, to extra help, etc., putting Assembly chamber in order for Inaugural Ceremonies, viz.:	
Gus Ahl, January 7th, to building of platform and raising of desk, and removing screen in Assembly chambers	\$13 10
January 8th, to replacing of screen and removing platform	4 50
	17 60
Tom Scott, labor taking down railing and putting up same	15 00
John Breuner Co., folding chairs rented	40 00
Inaugural Ball Decoration Committee, decorating Senate and Assembly halls, and materials, help, etc., viz.:	
January 6th, H. McWilliams, florist	\$30 00
January 6th, Wm. Boyne, decorator	75 00
January 6th, John Breuner Co., furnishings	20 00
January 6th, extra labor help	24 50
	149 50
Telegrams	3 40
Total	\$1,823 90
Senate	\$911 95
Assembly	911 95
	\$1,823 90

Report and resolution read, and referred to Committee on Contingent Expenses and Mileage.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That a special committee of three hold-over Senators be appointed by the President of the Senate for the purpose of further investigating the affairs of the State Agricultural Society, and said committee shall be directed to make a report of their investigation at the next session of the Legislature; and that said committee may incur

an expense not to exceed five hundred (\$500) dollars for the purpose of employing an expert or experts, and for the payment of such other expenses as may be necessary in the performance of their duties.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—29.

NOES—None.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Smith, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed, as amended, Senate Bill No. 202—An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904. Also, for preparing and printing literature relating to the State, for distribution at said exposition, and providing a commission and expense of commission and attachés.

CLIO LLOYD, Chief Clerk.

By F. W. HEATHERLY, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 202?"

ASSEMBLY AMENDMENTS.

Amend by inserting the word "and" after the word month, in line three of third page, printed bill, section seven.

Also:

Amend by striking out all after the enacting clause, and inserting the following:

SECTION 1. The sum of one hundred and thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the purpose of adequately exploiting California and its resources and progress at the Louisiana Purchase Exhibition to be held in St. Louis, Mo., in nineteen hundred and four.

SEC. 2. Of the sum herewith appropriated twenty-five thousand dollars shall be available immediately; thirty-five thousand dollars October 1st, 1903; seventy thousand dollars January 1st, 1904.

SEC. 3. It is made the duty of the Governor of California to appoint two commissioners to carry out the purposes of this Act. One shall have had one year's residence in the northern half of the State and the other at least one year's residence in the southern half of the State. Both must have had experience in installing and managing exhibits at former expositions.

SEC. 4. It is made the duty of the commissioners appointed to collect, prepare, forward, install, and maintain exhibits of the products of the resources and progress of this State at the Exposition at St. Louis and return or dispose of such exhibits as directed by the Governor; to build and maintain a California State building after the plans for such building shall have been approved by the Governor; to remove such building at the close of such exposition; to prepare, print, and distribute literature helpful to the State; at least thirty days before the close of the exposition to report to the Governor what exhibits may be suitable for exhibition at the Lewis and Clark Exposition to be held in Portland, Oregon, in 1905; to appoint such employes and heads of horticultural, agricultural, forestry, educational, and promotion and publicity departments as in their judgment it is thought best; and to do everything necessary to carry out the provisions and purposes of this Act in the fullest and broadest sense.

SEC. 5. The head of the mining department shall be the State Mineralogist, who is hereby directed to act under the direction of the commissioners in collecting, forwarding, and maintaining an adequate mineral exhibit at the St. Louis Exposition. He shall have his personal actual expenses paid while outside the State, the same as when traveling away from home in the State.

SEC. 6. Each of said commissioners shall receive for his services \$250 per month from the time of his appointment and qualification as such commissioner until his services are discontinued by the Governor, and actual traveling expenses, not to exceed a total of \$2,000 to each commissioner for his term of office. Each of said commissioners

in qualifying must file with the Secretary of State a bond, approved by the Governor, for \$10,000, conditional upon a faithful performance of each and all the duties imposed by this Act and his oath.

Sec. 7. The commissioners shall appoint a secretary with the approval of the Governor. Said secretary shall be allowed \$200 per month, actual traveling expenses not to exceed a total of \$1,500.

Sec. 8. The commissioners must make a monthly report to the Governor of California of all expenditures and receipts, together with original vouchers for the same. If such expenditures are in accordance with the provisions of this Act, then the State Board of Examiners must approve the same and file them with the State Controller. If not, then said commissioners shall be liable upon their bonds for a misappropriation of public funds.

Sec. 9. It shall be the duty of the public institutions of the State of California to assist the commission in every possible way, by loaning it such material in their possession as will add to the attractive features of the State exhibit.

Sec. 10. This Act is exempted from the provisions of section six hundred and seventy-two of the Political Code.

Sec. 11. This Act shall take effect and be in force from and after its passage.

The roll was called, and the Assembly amendments to Senate Bill No. 202 concurred in by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Ralston, Sanford, Savage, Selva, Shortridge, Smith, Ward, Williams, Wolfe, and Woodward—25.

NOES—None.

Senate Bill No. 202 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 271—An Act to amend Sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of the Political Code, and to add five new sections thereto, to be numbered Sections 204, 205, 206, 207, and 208, all relating to legal mileage in the State.

Also: Assembly Bill No. 368—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California, at the Louisiana Purchase Exposition, to be held in St. Louis in 1904, and the Lewis and Clark Exposition to be held in the City of Portland, Oregon, in 1905, and to provide for a commissioner thereof.

Also: Amended, and passed as amended, Senate Bill No. 917—An Act to add four new sections to the Civil Code, to be numbered 581, 582, 583, and 583a, relating to banks and banking.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Assembly Bill No. 271 read first time, and referred to Committee on County Government.

Assembly Bill No. 368 read first time, and referred to Committee on Finance.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Joint Resolution No. 9.

Also: Passed Assembly Bill No. 832—An Act to pay the claim of F. Marion Wells against the State of California, and making an appropriation therefor.

Also: Assembly Bill No. 876—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April first, eighteen hundred and ninety-seven, and amended March 23rd, 1901, by amending section one hundred and eighty-six (186) thereof, relating to the compensation of officers of the twenty-ninth class.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Senate Joint Resolution No. 9 ordered to enrollment.

Assembly Bill No. 832 read first time, and ordered on file without reference to committee.

Assembly Bill No. 876 read first time, and referred to Committee on County Government.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Assembly amendments to Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property—having been made a special order for this hour, the same was taken up.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 13?"

ASSEMBLY AMENDMENTS.

Strike out of line two of title the word "acquisition," and insert in lieu thereof the word "leasing."

Also: Strike out of section two, line one, all after the figure "2," and insert in lieu thereof the following:

"The said Board of Colton Hall Trustees are hereby authorized to accept from the City of Monterey, at a rental of not more than one dollar per year, a lease of not less than ten years of the site and grounds known as the Colton Hall property; the same during the term of said lease to be under the exclusive management and control of said Board of Colton Hall Trustees and the State of California as a State institution, and which said property is particularly described as that certain lot of land situated on the westerly side of Pacific Street, in the City of Monterey, County of Monterey, State of California, bounded south by the lands of Mrs. C. Underwood, north by King Street and Pinto lot, and west by Gordon Street."

The roll was called, and the Assembly amendments to Senate Bill No. 13 concurred in by the following vote:

AYES—Senators Belshaw, Byrnes, Coggins, Devlin, Diggs, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Stratridge, Ward, Wolfe, and Woodward—22.

NOES—None.

Senate Bill No. 13 ordered to enrollment.

At twelve o'clock and twenty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 547—An Act to provide for the establishment and maintenance of an industrial institute and college for girls, and to provide an appropriation therefor—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

DEVLIN, Chairman.

Assembly Bill No. 547 ordered on file.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Assembly Bill No. 633—An Act to amend Section 315 of the Penal Code of the State of California, relating to keeping or residing in a house of ill-fame—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

JOHN G. TYRRELL, Chairman.

Assembly Bill No. 633 ordered on file.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Lukens asked for and was granted unanimous consent to have Senate Constitutional Amendment No. 2 taken up for immediate consideration.

Senate Constitutional Amendment No. 2—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing courts of appeal.

During second reading of constitutional amendment, the following amendments were offered:

By Senator Lukens:

Amend section seventeen, page six, line five, after the word "law," by inserting the following: "which shall not be increased or diminished after their election, nor during the term for which they shall have been elected."

Amendment adopted.

Also:

On line one hundred and two, after the figures "1907," insert the following: "*provided*, that not more than six of said persons shall be members of the same political party."

Amendment adopted.

Also:

On page one, amend the title by adding the figures "17" between the figures "16" and "18."

Amendment adopted.

Constitutional amendment ordered to print.

RECESS.

The hour of recess having arrived, the President pro tem. declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.
The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—31.

Quorum present.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS.

Assembly Bill No. 261—An Act imposing a license tax upon itinerant vendors of drugs, nostrums, ointments, or appliances sold for the cure of disease, injuries, or deformities.

Read third time on a previous day, and refused passage.

The vote whereby the bill was refused passage having been reconsidered.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 261 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Curtin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Wolfe, and Woodward—24.

NOES—Senators Belshaw, Bunkers, Caldwell, French, Sanford, Shortridge, Smith, and Williams—8.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 426—An Act to prevent misrepresentations of conditions of employment, making it a misdemeanor to misrepresent the same, and providing penalties therefor.

Read third time, and refused passage.

The vote whereby the bill was refused passage having been reconsidered.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 426 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Curtin, French, Hubbell, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—22.

NOES—Senators Belshaw, Caldwell, Coggins, Diggs, Flint, Hahn, Knowland, Lardner, Pendleton, Ralston, Rowell, Savage, and Smith—13.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL ORDER SET.

Senator Lukens moved that the consideration of the special file of appropriation bills be made a special order for eight o'clock P. M. of this day.

Motion carried.

SUBSTITUTION OF BILL ON FILE.

On motion of Senator Hubbell, Assembly Bill No. 44—An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883—was placed at the foot of the file of Assembly bills, and Assembly Bill No. 659 substituted therefor on file.

Assembly Bill No. 659—An Act to amend Sections 1895, 1896, 1912, 1913, 1915, 1918, 1922, 1946, 2003, 2004, and 2027, to repeal Section 1982, and to add new sections to be known and numbered as Sections 1979, 2021a, 2022, 2088, and 2112, all of and to the Political Code of the State of California, relating to the National Guard, and making it conform to the Federal militia law.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 659 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Oneal, Pendleton, Ralston, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Wolfe, and Woodward—26.

NOES—Senators Muenter and Nelson—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

At two o'clock and thirty minutes P. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 409—An Act to amend the Civil Code by adding an additional section to Chapter II, Title II, to be numbered Section 231, relating to adoption.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 409 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Flint, French, Lardner, Leavitt, Lukens, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Wolfe, and Woodward—21.

NOES—Senators Nelson, Oneal, and Tyrrell of Nevada—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

At two o'clock and forty minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Assembly Bill No. 27—An Act to enforce the educational rights of children and providing penalties for violation of the Act.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 27 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Williams, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 542—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles, or jars, making it a misdemeanor, and providing penalties for the violation thereof.

Read third time.

Senator Curtin moved that further consideration of the bill be temporarily passed.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 542 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Corlett, Curtin, Devlin, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Plunkett, Sanford, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, and Wolfe—24.

NOES—Senators Belshaw, Caldwell, Coggins, Diggs, Greenwell, Pendleton, Rowell, Savage, and Woodward—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Curtin gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 542 was this day passed.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Pendleton moved to take up for immediate consideration Assembly Concurrent Resolution No. 11 and Senate Concurrent Resolution No. 14—Relative to the adjournment of the Legislature of the thirty-fifth session.

Motion carried.

ASSEMBLY CONCURRENT RESOLUTION No. 11.

Relative to adjournment.

Resolved by the Assembly, the Senate concurring, That the Legislature adjourn sine die at twelve o'clock meridian on Saturday, March 14, 1903.

During the reading of the concurrent resolution, the following substitute for Assembly Concurrent Resolution No. 11 and Senate Concurrent Resolution No. 14 was submitted by the committee:

COMMITTEE SUBSTITUTE FOR ASSEMBLY CONCURRENT RESOLUTION No. 11 AND SENATE CONCURRENT RESOLUTION No. 14.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California adjourn sine die on Saturday, March 14, 1903, at twelve o'clock midnight; *provided,* that no bill shall be considered by either branch of the Legislature on and after the hour of twelve o'clock noon on said day of adjournment.

Substitute read.

Senator Devlin moved that the further consideration of the committee substitute be made a special order for eight o'clock P. M. of this day, to follow special order already set for that hour.

Motion lost.

The question being on the adoption of the committee substitute.

The same was lost.

The question being on the adoption of Assembly Concurrent Resolution No. 11.

The roll was called, and the concurrent resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Greenwell, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Ward, Welch, Wolfe, and Woodward—24.

NOES—Senators Devlin, French, Lardner, Plunkett, Selvage, and Williams—6.

Concurrent resolution ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 633—An Act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts wherein there are or may be pending actions to enforce the right of eminent domain to give such actions preferences over all other civil cases in the matter of setting the same for hearing or trial and in hearing the same.

Committee Substitute for Senate Bill No. 199—An Act requiring uniformity in the furnishing of water for rental in any county or counties of the State for irrigation or for agricultural purposes, and in the rates charged therefor by any furnisher of water for said purposes in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements and understandings in contravention of this Act, and providing remedies to enable the stockholders of corporations engaged in the business of furnishing such water to prevent such corporations, and their officers, agents, and employes from violating the provisions of this Act, or from unlawfully diverting or appropriating said water.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 11th day of March, 1903, at three o'clock and five minutes P. M.

HUBBELL, Chairman.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Assembly Bill No. 924 taken up for immediate consideration.

Assembly Bill No. 924—An Act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the letter "s" at the end of the word "ships," in line two hundred and eighty-two, page nine, printed bill.

Amendment adopted.

Also:

Amend by striking out the words "and Pinta, five thousand," and insert in lieu thereof the words "three thousand."

Amendment adopted.

Also:

Amend by adding a new paragraph after line two hundred and eighty-two, page nine, as follows: "For furnishing coal and other supplies and for repairs, training ship Pinta, two thousand dollars."

Amendment adopted.

Also:

Add a new paragraph after the word "dollars," in line three hundred and ten, page nine, by adding the following: "For salary of copy editor to Superintendent of State Printing, three thousand six hundred dollars."

Amendment adopted.

Also:

Amend by adding a new paragraph after line three hundred and seventy, page eleven, to read as follows: "For traveling and incidental expenses of Débris Commissioner, six hundred dollars."

Amendment adopted.

Also:

Add immediately thereafter a new section, to read as follows: "For salary of Secretary of Débris Commissioner, six hundred dollars."

Amendment adopted.

Also:

Add immediately thereafter a new section, to read as follows: "For salary of Commissioner for Revision and Reform of the Laws, seven thousand two hundred dollars."

Amendment adopted.

Also:

Add immediately thereafter a new section, to read as follows: "For salary of stenographer to Commission for Revision and Reform of the Laws, two thousand four hundred dollars."

Amendment adopted.

Also:

Add immediately thereafter a new section, to read as follows: "For contingent expenses of the Commission for the Revision and Reform of the Laws, two hundred and fifty dollars."

Amendment adopted.

Also:

Add immediately thereafter a new paragraph, to read as follows: "For printing report of Commission for Revision and Reform of the Laws, one thousand dollars."

Amendment adopted.

Also:

Strike out the words "forty-one" in line four hundred, page twelve, and insert in lieu thereof the word "forty."

Amendment adopted.

Also:

Strike out the words "eighty-five thousand" in line four hundred and two, page twelve, and insert in lieu thereof the words "ninety-one thousand two hundred."

Amendment adopted.

Also:

Amend by striking out the word "twenty" in line four hundred and thirty-four, page thirteen, and inserting in lieu thereof the word "thirty."

Amendment adopted.

The following amendment was offered by Senator Devlin:

Amend line four hundred and twenty-six, page thirteen, by striking out the word "fifty" and inserting in lieu thereof the word "sixty."

Amendment adopted.

The following amendments were submitted by the committee:

Strike out the word "sixty" in line four hundred and forty-two, page thirteen, and insert in lieu thereof the following: "fifty."

Amendment adopted.

Also:

Add after line four hundred and ninety-four, page fourteen, a new paragraph to read as follows: "For library, museum, and purchase of scientific apparatus for the State Normal School at San Diego, two thousand dollars."

Amendment adopted.

Also:

Strike out the words "thirty-two" in line five hundred and one, page fifteen, and insert in lieu thereof "thirty-five."

Amendment adopted.

Also:

Strike out the word "forty" in line five hundred and fifty-seven, page sixteen, and insert in lieu thereof the following: "forty-five."

Amendment adopted.

Also:

Amend by adding after the line five hundred and sixty-four, page sixteen, a new paragraph, to read as follows: "For maintenance of the Sonora and Mono road, four thousand dollars."

Amendment adopted.

The following amendment was offered by Senator Curtin:

Amend by striking the word "toll" out of committee amendment.

Amendment adopted.

The following amendments were submitted by the committee:

Amend by striking out the words "one thousand," in lines five hundred and ninety and five hundred and ninety-one, page seventeen, and inserting in lieu thereof the following: "one thousand five hundred."

Amendment adopted.

Also:

Amend by adding after line six hundred and twelve, page eighteen, a new paragraph, to read as follows: "For actual necessary expenses of the State Commission on Voting or Ballot Machines, one thousand five hundred dollars."

Amendment adopted.

Also:

Strike out the word "five," in line six hundred and sixty-nine, page nineteen, and insert in lieu thereof the word "eight."

Amendment adopted.

Also:

Strike out the words "one thousand seven hundred and fifty," in line six hundred and eighty-seven, page twenty, and insert in lieu thereof the following: "two thousand."

Amendment adopted.

Also:

Amend by striking out the words "one thousand one hundred," in lines seven hundred and eighteen and seven hundred and nineteen, page twenty, and inserting in lieu thereof "two thousand."

Amendment adopted.

The following amendment was offered by Senator Leavitt:

Amend by inserting in line one hundred and thirty-one, fifth page, after the word "book," the words "exempt from section four of this Act."

Amendment adopted.

Bill read second time, ordered to print and third reading.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That there be and is hereby appropriated out of the Contingent Fund of the Senate the sum of one hundred (\$100) dollars to be paid to J. Steppacher for services rendered to the Committee on Elections and Election Laws; and be it further

Resolved, That the Controller of State be and he is hereby authorized to draw his warrant in favor of said J. Steppacher for the sum of one hundred (\$100) dollars, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Lukens asked for and was granted unanimous consent to have Senate Bill No. 811 taken up for immediate consideration.

Senate Bill No. 811—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 622a, relating to taxation of insurance companies other than life.

Read third time.

Senator Devlin moved that the bill be placed on the special urgency file. Motion lost.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 811 passed by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Corlett, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Ralston, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate bills:

Senate Bill No. 793—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting.

Senate Bill No. 561—An Act to repeal an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 11th day of March, 1903, at three o'clock and twenty-five minutes P. M.

HUBBELL, Chairman.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Smith asked for and was granted unanimous consent to have Assembly Bill No. 136 taken up for immediate consideration.

Assembly Bill No. 136—An Act to appropriate \$15,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said State Normal School; to improve the grounds of said State Normal School.

During second reading of bill, the following amendments were offered:

By Senator Smith:

Amend the title by striking out the figures "15" and inserting in lieu thereof the figures "12."

Amendment adopted.

Also:

Amend section one, page one, line three, by striking out the word "fifteen" and inserting in lieu thereof the word "twelve."

Amendment adopted.

Also:

Amend section one, page one, line nine, by striking out the word "seven" and inserting in lieu thereof the word "six."

Amendment adopted.

Also:

Amend section one, page one, line nine, by striking out the words "five hundred."

Amendment adopted.

Also:

Amend section one, page one, line eleven, by striking out the word "five" and inserting in lieu thereof the word "four."

Amendment adopted.

Also:

Amend section one, page one, line twelve, by striking out the words "five hundred."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senator Wolfe asked for and was granted unanimous consent to have Assembly Bill No. 886 taken up for immediate consideration.

Assembly Bill No. 886—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of a seawall and appurtenances in the City and County of San Francisco, to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Bill read second time, and ordered on file for third reading.

At four o'clock and twenty minutes P. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

SECOND READING OF ASSEMBLY BILLS.

Senator Devlin moved that the Senate proceed to take up for immediate consideration all Assembly bills for second reading on the special file of Assembly bills.

Motion carried.

Assembly Bill No. 119—An Act to add a new section to the Civil Code, numbered 634a, relating to the capital stock of land and building corporations, also called building and loan associations, to the impairment of such stock and to the insolvency of such associations.

During second reading of bill, the following amendment was offered:
By Senator Shortridge:

Amend Section 634a by striking out all of said section and substituting therefor:
"For the purpose of determining the solvency of any building and loan association doing business in this State, the Board of Building and Loan Commissioners shall determine at each annual examination the total amount of the withdrawal value of each certificate of stock outstanding, together with all other liabilities, if any, and any association not having or owning good assets sufficient to equal its total indebtedness as indicated by the withdrawal value of any and all outstanding shares, as well as other indebtedness not including its guarantee capital, shall be deemed insolvent."

Senator Oneal moved that all amendments to the bill be sent to the desk and be printed in the Journal, and the bill passed on file.

The question being on the motion.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Devlin, French, Hubbell, Leavitt, Oneal, Pendleton, Plunkett, Ralston, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Wolfe—20.

NOES—Senators Belshaw, Caldwell, Curtin, Flint, Greenwell, Hahn, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Rowell, and Woodward—14.

The following amendments were offered:

By Senator Hahn:

Amend line five, first page, by inserting before the word "interest," the following: "entrance fees, fines."

Also: Amend by striking out of line twelve, page two, the word "one" after the word "after," and in lieu thereof inserting the following: the word "two."

Bill read second time, open to amendment.

Assembly Bill No. 120—An Act to add a new section to the Civil Code, numbered 636a, relating to voluntary withdrawals of stock from land and building corporations, also called building and loan associations.

During second reading of bill, the following amendment was offered:
By Senator Shortridge:

Strike out in line seven all after the word "notice," down to and including the word "director," in line ten, and substitute therefor the following words:

"The amount to which such withdrawing shareholder shall be entitled shall be as indicated by the original subscription contract for stock, and further by the certificate

issued thereunder, both subscription contract and certificate to have printed thereon the full conditions of withdrawal, which shall be binding upon the association and the stockholder."

Senator Wolfe moved that the proposed amendments to the bill be sent to the desk, and printed in the Journal, and the bill passed on file.

Motion carried.

The following amendments were offered by Senator Hahn:

Amend line four, first page, by inserting after "636a" the following: "At any time after one year from the date of issue of his stock."

Also: Amend by striking out of line five, first page, the word "his" and in lieu thereof insert the following: "said."

Also: Amend line eight, first page, by inserting after the word "him" the following: "on said stock."

Also: Amend line eight, first page, by inserting after the word "association," the following: "less entrance fee, if any, which shall not exceed one dollar per share."

Bill read second time, and open to amendment.

Assembly Bill No. 164—An Act to amend Title XVI of Part IV of Division One of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations.

During second reading of bill, the following amendments were offered: By Senator Shortridge:

Amend Section 635, line seventy-four, by striking out all after the word "same" down to and including the word "association," in line eighty-seven.

Also: Amend Section 637 by striking out in line one hundred and ten all after the word "treasurer" down to and including the word "loan," in line one hundred and twenty-five, and substituting therefor the following words: "must be loaned on first mortgage real estate security."

Also: Amend Section 638 by striking out in line one hundred and thirty-eight all after the word "given" down to and including the word "loan," in line one hundred and forty.

Also: Amend Section 641 by striking out all of said section after the word "maturities," in line one hundred and seventy-six, and substituting therefor "not to exceed an amount equal to the income of any such corporation for two calendar months preceding the borrowing of said money."

Also: Amend Section 644 by striking out all after the word "the," in line one hundred and ninety-four, down to and including the word "license," in line one hundred and ninety-five, and substituting therefor "Board of Commissioners of the Building and Loan Associations." Further amend said section in line two hundred by striking out the words "official or officials" and substituting therefor the word "board." Further amend said section in line two hundred and three by striking out the words "official or officials" and substituting therefor the word "board." Further amend said section in line two hundred and six by striking out the words "official or officials" and substituting therefor the word "board." Further amend said section by striking out in line two hundred and thirteen, after the word "the," all of said line down to and including the word "license," in line two hundred and fourteen, and substituting therefor the words "said board."

Also: Amend Section 646 by striking out on line two hundred and forty-two all after the word "incorporated" down to and including the word "title" in line two hundred and forty-three, and substituting therefor the following: "shall be governed by the sections of the Civil Code in force at the time of its incorporation, except as to Section 647 of this Act, and for such purpose said section shall be in full force and validity unless such association may desire to continue its existence under the provisions of this title, in which event it."

Further amend said section in line two hundred and forty-four after the word "stock" by adding the following words: "shall either consent in writing thereto or." Amend line one hundred and seventy-three, said section, by adding after the word "stock" the following words: "have consented in writing or." Amend line two hundred and fifty-seven by adding after the word "stating" the following words: "the fact of such written consent or the facts of."

Amend line two hundred and fifty-eight by striking out the words "the fact" and substituting therefor the word "and."

Amend Section 647 by striking out in line two hundred and seventy-two all after the word "of" down to and including the word "therewith," in line two hundred and seventy-three and substituting therefor the words "Board of Commissioners of the

Building and Loan Associations, provided that all such corporations heretofore incorporated and confining its business to the county in which the home office of such corporation is located, shall within one year after the passage of this Act issue and have fully paid in a non-withdrawable guarantee capital stock of a minimum sum of \$25,000, and all such corporations doing business outside of the county in which its home office is located, shall have paid in a non-withdrawable guarantee stock of the minimum sum of \$100,000; and corporations hereafter organized shall not be permitted to commence business or to receive its certificate of incorporation from the Secretary of State until there shall have been actually paid in the guarantee capital as above provided; said guarantee capital to be paid to the trust company by the subscribers to such stock, and such trust company shall certify to the Secretary of State the possession of such funds, and upon receipt of the secretary of such trust company that the guarantee capital has been fully paid in as provided by this section, the Secretary of State may."

Senator Wolfe moved that all proposed amendments to the bill be sent to the desk and printed in the Journal, and the bill passed on file.

Motion carried.

Bill read second time, and open to amendment.

The following amendments were offered:

By Senator Hahn:

Amend by striking out of Section 634, line eighteen, second page, the words: "regular equal, periodical."

Also: Amend Section 634, line fifty-two, third page, by inserting the following after "charge": "an entrance fee for each share of stock issued, not exceeding one dollar on each share, and may also charge."

Also: Amend Section 634, line fifty-four, page three, by inserting the following after "association": "provided, that building and loan associations heretofore incorporated may continue to charge and dispose of such entrance and transfer fees as are prescribed by the by-laws of such corporation."

Also: Amend by striking out of Section 646, lines two hundred and thirty-nine and two hundred and forty, page eight, the words: "desiring to continue its existence under the provisions of this title," and in lieu thereof inserting the following: "shall be governed by the sections of the Civil Code in force at the time of its incorporation, and for that purpose said sections shall be in full force and validity, unless such association may desire to continue its existence under the provisions of this title, in which event it."

Also: Amend Section 646, line two hundred and forty-one, eighth page, by inserting the following after "of the stock": "shall consent thereto in writing or."

Also: Amend Section 646, line two hundred and fifty, eighth page, by inserting the following after "of the stock": "have so consented in writing or."

Also: Amend by striking out of Section 646, line two hundred and fifty-five, ninth page, the words "the fact," and in lieu thereof inserting the word "and."

Also: Amend Section 646, line two hundred and fifty-four, eighth page, by inserting after the word "stating" the following: "the fact of such written consent, or the facts of."

Bill read second time, and open to amendment.

Assembly Bill No. 731—An Act to provide for the improvement of the public highways.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 915—An Act to re-enact Sections 10 and 157 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, as amended in 1901, relating to the population of the various counties of the State of California, and classifying such counties for the purpose of regulating the compensation of all officers therein.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 29—An Act to provide for the covering or fencing of abandoned mining shafts, pits, or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 310—An Act to amend Section 1593 of the Political Code of the State of California.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out all of subdivision sixteen, commencing in line one hundred and fourteen, fourth page of printed bill, and ending in line one hundred and twenty-eight, fifth page, printed bill, and inserting in lieu thereof the following: "The official reporter of the Superior Court shall receive the fees allowed by law."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 806—An Act to amend Section 949 of the Code of Civil Procedure, relating to giving of undertakings and stay of proceedings on appeal to the Supreme Court in certain cases.

During second reading of bill, the following amendments were submitted by committee:

Amend by adding to the title, after the word "California," the following words: "relating to the election of school trustees."

Also: By striking out the period after the word "California" in the title.

Amendment adopted.

Also:

Amend by striking out the words "now pending or hereafter to be brought," in lines ten and eleven, section one of printed bill, and inserting in lieu thereof the words "hereafter commenced."

Amendment adopted.

Also:

By inserting the word "is" between the words "it" and "adjudged," in line thirteen.

Amendment adopted.

Also:

By inserting the word "unlawfully" between the words "or" and "holding," in line fourteen.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 485—An Act to repeal Section 772 of the Penal Code of the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 455—An Act amending Section 739 of the Political Code, relating to officers and attachés of the Supreme Court and their salaries.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 93—An Act to appropriate the sum of \$4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 94—An Act to appropriate \$640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 95—An Act to appropriate \$460 to pay the claim of Charles A. Palmer against the State of California upon a judgment

recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 96—An Act to appropriate \$815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 376—An Act to pay the claim of Mrs. A. McGinnes, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 87—An Act to appropriate \$4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 88—An Act to appropriate \$1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 89—An Act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 90—An Act to appropriate \$2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 91—An Act to appropriate \$590.00 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 92—An Act to appropriate \$3,835 to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs. The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 663—An Act making an appropriation to pay the claim of James L. McCarthy against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 137—An Act entitled an Act to appropriate the sum of \$211.61 to pay the claim of B. A. Johnson for supplies furnished the National Guard of California during the month of July, 1894.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 1—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 86—An Act to appropriate \$410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 196—An Act to amend an Act entitled "An Act requiring the recording of maps of cities, towns, additions to cities or towns, or subdivisions of lands into small lots or tracts for the purposes of sale, and providing a penalty for the selling or offering for sale any lots or tracts in cities, towns, additions to cities, towns, subdivisions, or additions thereto, before such maps are filed and recorded," approved March 9, 1893.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 352—An Act to amend Section 1713 of the Political Code of California, in relation to district libraries.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 864—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 192 thereof, relating to the compensation of officers of counties of the thirty-fifth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 629—An Act to appropriate the sum of \$257.05 to pay the claim of Dr. C. H. Blemmer for money due and owing the said Dr. C. H. Blemmer from the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 482—An Act to amend Section 890 of the Code of Civil Procedure, relative to dismissals of actions.

During the second reading of bill, the following amendments were offered:
By Senator Oneal:

Amend by striking out of line three, page one, the word and figure "Section 1," and in lieu thereof inserting the following: "890."

Amendment adopted.

Also:

Amend by inserting in line one, page one, before the word and figures "Section 890," the word and figure "Section 1."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 593—An Act to amend Sections 291 and 293 of the Civil Code, relating to the formation of corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 591—An Act to amend the Civil Code by adding thereto a new section, to be numbered 300a, relating to corporations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 377—An Act to amend Section 321a, relating to the removal by corporations of their principal places of business, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 192—An Act to amend Section 362 of the Civil Code, relating to amendments by corporations of their articles of incorporation.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 802—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 201 thereof, relating to the compensation of officers of counties of the forty-fourth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 856—An Act to amend Section 207 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to the compensation of officers of counties of the fiftieth class.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 858—An Act to amend Section 36 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897," by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to counties of the thirty-second class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the County Surveyor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 955—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 509—An Act entitled an Act to amend subdivision nine of Section 162 of an Act entitled an Act to establish a uniform system of county and township governments, relating to the office of county detective, creating the same, and fixing the salary thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 671—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their offices.

During second reading of bill, the following amendment was offered:
By Senator Oneal:

Amend by adding in line one, page one, before the words "a new section," the following: "Section 1."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 794—An Act to provide for the payment to George A. Stone of the funeral expenses of the late Adjutant-General W. H. Seamans, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 275—An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out the words "five thousand" and the figures "\$5,000," section one, on line one, first page, printed bill, and inserting in lieu thereof the following: "three thousand seven hundred and fifty."

Amendment adopted.

Also:

Amend section two, line three, by striking out the words "five thousand" and the figures "5,000," and inserting in lieu thereof the following: "three thousand seven hundred and fifty."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 369—An Act to prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses where intoxicating liquors are sold.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 605—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

During second reading of bill, the following amendment was submitted by committee:

Amend by adding after the word "deaf" in line twenty-five the following: "provided, that teachers of oral instruction for the deaf shall, in addition to the special certificate for such subject, be required to hold a grammar-school certificate."

The question being on the adoption of the amendment.

Senator Oneal moved the previous question.

The question being, "Shall the main question be now put?"

Motion carried.

The question being on the adoption of the amendment.

The roll was called, and the amendment lost by the following vote:

AYES—Senators Coggins, Curtin, Knowland, Leavitt, Lukens, Muentner, Rowell, and Woodward—8.

NOES—Senators Belshaw, Bunkers, Caldwell, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Lardner, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Ralston, Sanford, Selvage, Shortridge, Tyrrell of Nevada, Ward, Welch, and Wolfe—24.

Bill read second time, and ordered on file for third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed:

Senate Bill No. 906—An Act to authorize cities to acquire and operate a joint system or systems of water supply.

Senate Bill No. 597—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months; and providing for the publication of a fair statement of all the proceedings of the board.

Senate Bill No. 650—An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the investment of the funds of insurance companies.

HUBBELL, Chairman.

Senate Bills Nos. 906, 597, and 650 ordered on file.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 604—An Act to amend Section 1791 of the Political Code of the State of California, relating to city and county boards of examination.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 513—An Act creating the office of Public Defender in each of the counties of the State of California, providing for the appointment and election of some suitable person to fill such office, fixing his duties and compensation, and providing him with assistants and a contingent fund with which to properly carry out the duties thereof.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 680—An Act to repeal an Act entitled "An Act concerning actions for libel and slander," approved March 23, 1872.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 54—An Act to amend Section 1727 of the Code of Civil Procedure of California, relating to the procuring of letters of administration upon the estates of deceased persons by Public Administrators.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 661—An Act to add a new section to the Code of Civil Procedure regarding the giving of bonds and undertakings in civil actions, to be known as Section 1030.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 359—An Act making an appropriation of \$5,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase five miners' inches of water for the use of said school.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 361—An Act making an appropriation of \$1,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase horses, wagons, and farm implements for the use of said school.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 362—An Act appropriating \$500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, to purchase additional books and periodicals for the library of said school.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 363—An Act making an appropriation of \$500 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of repairing the bathroom at the girls' department of said school.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 647—An Act to pay the claim of George Williams against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 616—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco.

During second reading of bill, the following amendments were offered:
By Senator Lukens:

Amend by striking out section four.

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 889—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 170 thereof.

During second reading of bill, the following amendment was offered:
By Senator Oneal:

Amend by striking out all of subdivision sixteen commencing in line one hundred and fourteen, page four of printed bill, and ending in line one hundred and twenty-eight, fifth page, printed bill, and inserting in lieu thereof the following: "The official reporter of the Superior Court shall receive the fees allowed by law."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 831—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 405—An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to foreclosure and sale of mortgaged lands.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 406—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 191—An Act to appropriate the sum of \$520 to pay the claim of William Saunders against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 194—An Act to appropriate \$1,250 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the inspector of mines.

During second reading of bill, the following amendments were submitted by committee:

Amend by striking out all of section one, and insert:

"SECTION 1. Within sixty (60) days after the passage of this Act the Governor shall appoint some reputable person, who shall be a resident and citizen of the State of California, and who shall have had at least seven (7) years' experience as a practical mechanical and mining engineer and underground miner, who shall be designated as the inspector of mines."

Amendment adopted.

Also:

Amend by striking out all of section two, after the word "exit," and insert in lieu thereof the following: "and if, from such examination, he ascertains that the mine is, from any cause, in a dangerous condition, or the machinery used thereat unsafe, he must at once notify the superintendent, manager, agent or other person in charge of the working of said mine, by a notice in writing, which notice, signed by said inspector, or through him

by his deputy, must fully state, in detail, in what particular manner such mine is dangerous or insecure, or the machinery thereof dangerous or inadequate, and specify the changes to be made without delay, for the purpose of making such mine safe for the laborers employed therein or thereat; and it shall be the duty of such mine owner, lessee, or manager thereof, to make the changes specified in such notice with all possible dispatch, but within thirty days after the service of such notice."

Amendment adopted.

Also:

Amend by striking out all of section three, after the word "annually," in line two, page two, printed bill, and insert in lieu thereof the following: "the condition of every operative mine which is not being operated in accordance with the mining laws of this State as to its general safety. Also, how and where all explosives and inflammable oils and supplies are stored; also, as to the conditions of all exits from the mine and how the mine is ventilated. He shall not give notice to any owner, agent, manager, superintendent, or lessee of the time when such inspection shall be made."

Amendment adopted.

Also:

Amend by inserting after the word "corporation," in line three, page two, section four, printed bill, the following: "nor shall he engage in any other business."

Amendment adopted.

Also:

Amend section six by striking out in line eight, page three, printed bill, the following words: "civilly liable," and insert in lieu thereof the following: "liable in civil damages."

Amendment adopted.

Also:

Amend section eight by striking out after the word "of" in line two, page three, printed bill, the following: "six dollars (\$6) per day while in the actual discharge of his duties," and inserting in lieu thereof the following: "five thousand (\$5,000) dollars per annum."

Amendment adopted.

Also:

Amend by striking out of line ten, page three, section eight, printed bill, the words and figures "twelve thousand dollars (\$12,000)," and insert in lieu thereof the following words and figures: "twenty thousand dollars (\$20,000)."

Amendment adopted.

Also:

Amend by striking out of line six, page four, section nine, printed bill, the words and figures "five dollars (\$5.00)," and insert in lieu thereof the following words and figures: "eight dollars (\$8.00)."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 916—An Act creating a Board of Bank Commissioners, and prescribing their duties and powers.

And report that the same has been correctly enrolled, and presented the same to the Governor on this 11th day of March, 1903, at five o'clock P. M.

HUBBELL, Chairman.

CONSIDERATION OF SPECIAL FILE OF ASSEMBLY BILLS—(RESUMED).

Assembly Bill No. 610—An Act making an appropriation of \$52.40 to pay the claim of J. D. Collins, Sheriff of Fresno County, for the transportation of Frank Sutton, taken from Fresno, California, to Eldridge, on January 24, 1899, and for transporting Albert Dunn from Fresno, California, to Eldridge, on January 27, 1899.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 101—An Act to amend Section 751 of the Code of Civil Procedure of California, relating to the determination of adverse claims to real property.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 437—An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 444—An Act to amend Sections 410, 412, 413, and 415 of the Code of Civil Procedure, all relating to the service of summons in civil actions.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 446—An Act to amend Section 408 of the Code of Civil Procedure, relating to the summons in civil cases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 466—An Act to repeal Section 1718 of the Code of Civil Procedure of the State of California, relating to the appointment of attorneys for minor or absent heirs.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 540—An Act to amend and re-enact Section 1126 of the Code of Civil Procedure, relating to appeals in contested election cases.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 378—An Act to amend Section 74, relating to the duties of persons solemnizing marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 379—An Act to amend Section 70, relating to the solemnization of marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 203—An Act authorizing the Regents of the State University to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Bill read second time, and ordered on file for third reading.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON COUNTY GOVERNMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 876—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 186 thereof, relating to the compensation of officers of the twenty-ninth class.

Also: Assembly Bill No. 271—An Act to amend Sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of the Political Code, and to add five (5) new sections thereto, to be numbered Sections 204, 205, 206, 207, and 208, all relating to legal mileage in the State.

Also: Assembly Bill No. 669—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 198 thereof, relating to the salaries and fees of county and township officers in counties of the forty-first class.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

WOODWARD, Chairman.

Assembly Bills Nos. 876, 271, and 669 ordered on file.

ON MINING.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Mining, to whom was referred Assembly Bill No. 844—An Act providing for the casing of wells drilled for the production of petroleum or any other substance in any of the petroleum-producing districts of the State of California, and also providing for the filling up of such wells when the same are abandoned or operations have ceased therein, for the purpose of preventing water from either the overlying or underlying strata from penetrating the petroleum-bearing sands; providing for the notification of at least five (5) owners of the oil lands nearest adjacent to the property upon which said well is being drilled of the intention of the operator to withdraw the casing or plug the well, or of abandonment of operations; also providing for the filing of affidavits with the County Recorder; providing for the penalty for violations—have had the same under consideration, and respectfully report the same back, and recommend that the same do pass.

RALSTON, Chairman.

Assembly Bill No. 844 ordered on file.

ON HOSPITALS AND ASYLUMS.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Hospitals and Asylums, to whom was referred Senate Bill No. 388—An Act to amend Sections 1, 4, and 8 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," which Act became a law under constitutional provision without Governor's approval, February 27, 1901—have had the same under consideration, and respectfully report the same back without recommendation.

Also: Senate Bill No. 379—An Act to appropriate money for the support of aged persons in indigent circumstances—have had the same under consideration, and respectfully report the same back without recommendation, and that it be referred to Committee on Finance.

MUENTER, Chairman.

Senate Bill No. 388 ordered on file.

Senate Bill No. 379 referred to Committee on Finance.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 85—An Act to appropriate \$8,875 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the Superior Court of the County of Sacramento.

Also: Senate Bill No. 600—An Act to authorize and empower the Board of State Harbor Commissioners to pay the claim of Christopher McNulty, for the sum of one thousand five hundred dollars, against the State of California.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 368—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Louisiana Purchase Exposition, to be held in St. Louis in 1904, and to provide for commissioners thereof.

Also: Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

Have had the same under consideration, and respectfully report the same back without recommendation.

DEVLIN, Chairman.

Assembly Bills Nos. 85, 368, and 241, and Senate Bill No. 600 ordered on file.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered.

By Senator Ralston:

Resolved, That the position of Messenger to the State Printer, formerly held by J. B. Allen, be and the same is hereby declared vacant from and after Monday, March 9, 1903.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Rowell asked for and was granted unanimous consent to have Assembly Bill No. 704 taken up for immediate consideration.

Assembly Bill No. 704—An Act to provide for the organization and government of drainage districts for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts.

Bill read second time, and ordered on file for third reading.

Senator Muentner asked for and was granted unanimous consent to have Senate Bill No. 385 taken up for immediate consideration.

Senate Bill No. 385—An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 385 passed by the following vote:

AYES—Senators Byrnes, Devlin, Diggs, Flint, Greenwell, Knowland, Lardner, Leavitt, Lukens, Muentner, Oneal, Pendleton, Ralston, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RECESS.

At five o'clock and twenty-five minutes P. M., on motion of Senator Flint, the acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—36.

Quorum present.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 567—An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees or supervisors, in counties, cities, cities and counties, or towns.

And report that the same has been correctly enrolled, and presented the same to the Governor on this 11th day of March, 1903, at five o'clock and twenty minutes P. M.

HUBBELL, Chairman.

ON MUNICIPAL CORPORATIONS—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Assembly Bill No. 745 ordered on file.

ON CONTINGENT EXPENSES AND MILEAGE—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the position of Messenger to the State Printer, formerly held by J. B. Allen, be and the same is hereby declared vacant from and after Monday, March 9, 1903.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

FLINT, Chairman.

Report read and adopted.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Lardner:

Resolved, That Senate Bill No. 924 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—31.

NOES—None.

CASE OF URGENCY.

Senate Bill No. 924—An Act making an appropriation to pay the claim of George W. Hawley as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying the same.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 924 passed by the following vote:

AYES—Senators Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, O Neal, Pendleton, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—30.

NOES—Senator Bauer—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS.

Assembly Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 18 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, O Neal, Ralston, Sanford, Savage, Selvage, Ward, and Woodward—22.

NOES—Senators Bunkers, Devlin, Emmons, Leavitt, Pendleton, Plunkett, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, and Wolfe—12.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 697—An Act to provide for the purchase of fire apparatus and machinery and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 697 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, O Neal, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Ward, Williams, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 560—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 560 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Corlett, Devlin, Emmons, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 562—An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 562 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Devlin, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILL.

Senator Hubbell asked for and was granted unanimous consent to withdraw Senate Bill No. 110.

Senate Bill No. 110 withdrawn, and ordered stricken from the file.

CONSIDERATION OF SPECIAL FILE—(RESUMED).

Assembly Bill No. 489—An Act making an appropriation of \$6,000 for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 489 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Oneal, Plunkett, Rowell, Savage, Shortridge, Smith, Ward, Williams, and Wolfe—22.

NOES—Senators Flint, Luchsinger, Sanford, and Tyrrell of Nevada—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 561—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 561 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Oneal, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Nelson gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 18 was this day passed.

CONSIDERATION OF SPECIAL FILE—(RESUMED).

Assembly Bill No. 963—An Act making an appropriation to pay the claims of Martin Brothers against the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 963 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, French, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—29.

NOES—None.

WITHDRAWAL OF BILL.

Senator Knowland asked for and was granted unanimous consent to withdraw Senate Bill No. 919.

Senate Bill No. 919 withdrawn, and ordered stricken from the file.

CONSIDERATION OF SPECIAL FILE—(RESUMED).

Assembly Bill No. 357—An Act to provide for the completion of the carpenter, blacksmith, and plumbing shops, and for the equipment of the same with necessary machinery and tools, of the Whittier State School, and to make an appropriation for the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 357 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Plunkett, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 811—An Act to provide for the preservation, improvement, and maintenance of the "California Redwood Park," in Santa Cruz County, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 811 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Plunkett, Sanford, Savage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 360—An Act making an appropriation of \$6,000 to be used by the Board of Trustees of the Whittier State School, at Whittier, California, for the purpose of drilling a well and purchasing the necessary pipe, pump or pumps, and machinery therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 360 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Oneal, Plunkett, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 35; also Assembly Bill No. 37; also Assembly Bill No. 159; also Assembly Bill No. 345; also Assembly Bill No. 546.

Also: Adopted Assembly Constitutional Amendment No. 30.

Also: Passed Assembly Bill No. 838—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Also: Assembly Bill No. 839—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Also: Assembly Bill No. 840—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Also: Assembly Bill No. 885—An Act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this State, and providing a penalty for the violation of this Act.

Also: Assembly Bill No. 948—An Act to amend Section 36 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 1, 1887.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Constitutional Amendment No. 30 ordered on file without reference to committee.

Assembly Bill No. 838 read first time, and ordered on file without reference to committee.

Assembly Bill No. 839 read first time, and ordered on file without reference to committee.

Assembly Bill No. 840 read first time, and ordered on file without reference to committee.

Assembly Bill No. 885 read first time, and ordered on file without reference to committee.

Assembly Bill No. 948 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 27; also Assembly Bill No. 261; also Assembly Bill No. 426.

Also: Passed Senate Bill No. 66—An Act to amend Section 103 of the Code of Civil Procedure, relating to Justices' Courts and Justices of the Peace.

Also: Committee Substitute for Senate Bills Nos. 261, 307, 317—An Act to amend and re-enact sections one thousand nine hundred and twelve, one thousand nine hundred and thirteen, one thousand nine hundred and fifteen, one thousand nine hundred and eighteen, one thousand nine hundred and twenty-eight, one thousand nine hundred and seventy, one thousand nine hundred and seventy-three, one thousand nine hundred and seventy-four, two thousand and nine, two thousand and twenty-two, two thousand and thirty-one, two thousand and seventy-six, two thousand and eighty-two, two thousand and ninety-four, and to repeal sections two thousand and three, as amended April 1st, 1897, and two thousand and three duplicate as amended March 11, 1897, two thousand and four, two thousand and six, two thousand and forty, two thousand and fifty, and two thousand and ninety-nine of the Political Code, relating to the State militia, and to conform the State militia to the provisions of an Act of Congress approved January 21st, 1903, entitled "An Act to promote the efficiency of the militia and for other purposes."

Also: Senate Bill No. 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Senate Bills Nos. 66 and 389 and Substitute for Senate Bills Nos. 261, 307, and 317 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed a motion requesting your honorable body to return to the Assembly Senate Bill No. 243.

Also: Passed Assembly Bill No. 868—An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered and known as Section 361a, relating to transfers of the business, franchises, and property of corporations.

Also: Assembly Bill No. 670—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 201 thereof, relating to the compensation of Justices of the Peace and Constables in counties of the forty-fourth class.

Also: Senate Bill No. 26—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Also: Senate Bill No. 399—An Act making an additional appropriation for the uses and purposes set out in an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence and of all expenses connected therewith," which became a law under constitutional provision, without the Governor's approval, on March 7, 1899, and the several Acts amendatory of and supplemental thereto.

Also: Senate Bill No. 616—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations and to the increase or diminution of the capital stock of corporations and to the creation or increase of bonded indebtedness of corporations and to the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Also: Assembly Bill No. 828—An Act to amend an Act relating to commitments to the State School at Whittier and to the Preston School of Industry, fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, Police Court Judges, and Justices of the Peace, and fixing the responsibilities from which commitments are made to the State for maintenance of the persons committed therefrom; providing for the manner of payment thereof, and fixing the responsibility of the parents to the counties from which their children are committed.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Assembly Bill No. 868 read first time, and ordered on file without reference to committee.

Assembly Bill No. 670 read first time, and ordered on file without reference to committee.

Senate Bills Nos. 26, 399, and 616 ordered to enrollment.

Assembly Bill No. 828 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 188—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to service of writs of attachment issued out of justices' courts.

Also: Assembly Bill No. 220—An Act to amend the Code of Civil Procedure of the State of California, by changing the numbers of Sections 1233 and 1234, respectively, to 1235 and 1236, and adding certain new sections to said code, to be numbered consecutively 1233 and 1234, concerning the dissolution of private corporations.

Also: Assembly Bill No. 764—An Act to amend the Code of Civil Procedure of California by adding a new section thereto, to be known as Section 1514, relating to the closing of estates of decedents when allowed and approved claims are unpaid and the claimant cannot be found, declaring when such claims shall escheat to the State, and defining the duties of the County Treasurer, State Controller, and State Treasurer in relation thereto.

Also: Amended, and passed as amended, Senate Bill No. 243—An Act to provide for the organization, management, and control of mutual fire insurance corporations—and request your honorable body to concur in the said amendments.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 188 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 220 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 764 read first time, and referred to Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day return at your request Assembly Bill No. 345.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 345 ordered returned to the Assembly.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following:

Assembly Bill No. 940—An Act to amend Section 182 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Also: Assembly Bill No. 922—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county are authorized and empowered to appoint, promote to, suspend, disrate, or dismiss any police officer, or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and prescribe penalties for the violation of any such rules and regulations, all such rules and regulations must be reasonable, and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rules or regulations violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers, or members of such police department, and in connection with the rule or regulation to which the same is intended to apply, and providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proven and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations and that courts of competent jurisdiction may review the proceedings had upon such hearings, for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Also: Assembly Bill No. 912—An Act authorizing the consolidation of corporations organized for the purpose of preventing cruelty to animals with corporations organized for the purpose of preventing cruelty to children.

Also: Assembly Bill No. 958—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the man-

agement and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, which became a law March 4, 1899.

Also: Assembly Bill No. 638—An Act to amend Section 501 of the Civil Code of the State of California, in reference to speed of street cars, and regulating the number of trucks and kind of brakes to be used on those cars operated at a speed of more than eight miles per hour.

Also: Senate Bill No. 779—An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 940 read first time, and ordered on file without reference to committee.

Assembly Bill No. 922 read first time, and ordered on file without reference to committee.

Assembly Bill No. 912 read first time, and ordered on file without reference to committee.

Assembly Bill No. 958 read first time, and ordered on file without reference to committee.

Assembly Bill No. 638 read first time, and referred to Committee on Judiciary.

Senate Bill No. 779 ordered to enrollment.

WITHDRAWAL OF BILL.

Senator Lukens asked for and was granted unanimous consent to withdraw Senate Bill No. 439.

Senate Bill No. 439 withdrawn, and ordered stricken from the file.

ASSEMBLY AMENDMENTS TO SENATE BILL CONCURRED IN.

On motion of Senator Knowland, the Assembly amendments to Senate Bill No. 917—An Act to add four new sections to the Civil Code, to be numbered 581, 582, 583, and 583a, relating to banks and banking—were taken up for consideration.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 917?"

ASSEMBLY AMENDMENTS.

Amend section five, line two, page two, by striking out the letter "a" after the figures "583."

Also: Strike out the letter "b" after the figures "583" in section four, line two, page two, and insert in lieu thereof the letter "a."

The roll was called, and the Assembly amendments to Senate Bill No. 917 concurred in by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—28.

NOES—None.

Senate Bill No. 917 ordered to enrollment.

APPOINTMENT OF CONFERENCE COMMITTEE.

In accordance with the request of the Assembly, the President pro tem. announced that he had appointed Senators Ward, Hubbell, and Sanford as a committee of conference on Senate Bill No. 34.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 22—An Act to appropriate \$30,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital; to purchase furniture and furnish the building so to be erected by the Board of Managers of said State Hospital; to appropriate money therefor and provide for the expenditure of the same.

Senate Bill No. 37—An Act to appropriate the sum of \$7,500 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same.

Senate Bill No. 183—An Act to provide for purchasing land for the State fish hatchery at Sisson, in Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor.

Senate Bill No. 422—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by amending Section 23 thereof.

Senate Bill No. 509—An Act to appropriate the sum of \$142.50 to pay the claim of F. Phillips for money due and owing the said F. Phillips from the State of California.

Senate Bill No. 560—An Act to amend an Act entitled "An Act to establish a Civil Code," relating to granting of divorces.

Senate Bill No. 589—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California, to said City and County of San Francisco for commercial purposes, and other matters relating thereto,' approved March thirtieth, eighteen hundred and seventy-two," approved March 11, 1874.

Senate Bill No. 152—An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor.

Senate Bill No. 320—An Act to create the office of sheep inspector for the State of California, to provide for the appointment and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same and to suppress and prevent dissemination of scab among sheep.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 11th day of March, 1903, at nine o'clock and fifteen minutes P. M.

HUBBELL, Chairman.

CONSIDERATION OF SPECIAL FILE—(RESUMED).

Assembly Bill No. 570—An Act making an appropriation for repairs and improvements at the "Industrial Home of Mechanical Trades for the Adult Blind."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 570 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

LEAVE OF ABSENCE.

At nine o'clock and fifty minutes P. M., the members of the committee of conference appointed this day were, on motion of Senator Ward, granted a leave of absence for one hour.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Shortridge:

Resolved, That Assembly Bills Nos. 838, 839, and 840 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Bauer, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—30.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 838—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 838 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Rowell, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 839—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 839 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Pendleton, Rowell, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 840—An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 840 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred engrossed Assembly Bill No. 829—An Act to create the office of official reporter for the various Superior Courts of California, and for each department thereof, and to classify the counties of this State for the purpose of providing salaries and compensation for such officers, and to fix the same—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUKENS, Chairman.

Assembly Bill No. 829 ordered on file.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 907—An Act to appropriate money for the purchase of a silver service for the cruiser "California"—have had the same under consideration, and respectfully report the same back without recommendation.

DEVLIN, Chairman.

Senate Bill No. 907 ordered on file.

CONSIDERATION OF DAILY FILE.

Senate Bill No. 219—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

During second reading of bill, the following amendment was submitted by committee:

Amend by inserting a comma after the word "five" at the end of line twenty-three, second page, printed bill.

Amendment lost.

Bill read second time, and ordered on file for third reading.

Senate Bill No. 896—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners.

Read third time on a previous day.

Senator Devlin moved to refer to Senator Shortridge, as a special committee of one, to amend as follows:

Add to line five hundred and eleven, page fifteen, the following: "provided, however, that no lease, grant, or privilege shall be valid unless the same shall be approved by a writing signed by the Governor and the Mayor of the City and County of San Francisco, which shall be duly acknowledged in the same manner as grants of real estate and filed in the office of the Secretary of State. No such lease, grant, or privilege shall be sold, assigned, sublet, or incumbered in any manner save by like consent of the Governor of the State of California and Mayor of the City and County of San Francisco, in writing, to be acknowledged and filed as aforesaid, and any such sale, assignment, sublease, or incumbrance without such consent shall not only be void but shall also operate as a breach of the original lease, grant, or privilege, and any such lease, grant, or privilege shall be deemed to have been made on these conditions."

Also: After the part of a word "poses," in line four hundred and eighty-nine, page fourteen of printed bill, insert the following: "*provided, however, that any lease so made by said Board of Harbor Commissioners to such person, firm or corporation shall not be or become effective for any purpose until the parties thereto execute in due form a proviso, and in addition thereto setting forth substantially as follows:*

"That it is agreed by and between the said Board of Harbor Commissioners and the said person, firm or corporation desiring to lease said lands, that the said Board of Harbor Commissioners shall have full power and authority to decide all questions arising between the parties to said lease as to whether or not the said person, firm or corporation has fully and in good faith complied with all the terms and conditions of said lease, and whether or not any of the terms or conditions of said lease have been violated by the said person, firm or corporation, and that the decision of said Board of Harbor Commissioners upon any and all questions shall be final and binding upon said person, firm or corporation;

"That said person, firm or corporation will, in case of any violation of any of the terms or conditions of the lease forfeit, and pay to the said Board of Harbor Commissioners the sum of one hundred thousand dollars as liquidated damages therefor, which said sum of one hundred thousand dollars is hereby agreed upon by the said parties hereto as the amount of damages to be and that will be suffered by the said Board of Harbor Commissioners by reason of any violation of the terms and conditions of such lease by said person, firm or corporation.

"That said person, firm or corporation hereby agrees that in case of any litigation arising between the said Board of Harbor Commissioners and the said person, firm or corporation, their successors or assigns, regarding such lease or its provisions, or the rights or privileges of either party thereunder, the said person, firm or corporation in consideration of the rights and privileges granted by said lease will litigate the same in the courts of the State of California and will not appeal or apply in any manner to the courts of the United States with reference to said litigation, and the said person, firm or corporation does hereby waive any and all right it may have to appeal or apply to the courts of the United States with reference to any and all questions concerning such lease or the rights or privileges thereunder."

Also: Strike out of lines four hundred and eighty-nine and four hundred and ninety, page fourteen of printed bill, the words "provide for an annual rental not exceeding five hundred dollars," and insert in lieu thereof the following: "be sold to the highest and best bidder therefor."

And on motion was carried, when Senator Devlin moved that the proposed amendment be printed in the Journal, and that the bill retain its place on file.

The question being on the adoption of the report of the special committee of one.

The roll was called.

CALL OF THE SENATE DENIED.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion lost.

The roll of absentees was called.

Whereupon the President pro tem. announced the report of the special committee of one lost by the following vote:

AYES—Senators Bunkers, Nelson, Oneal, Pendleton, Plunkett, Ralston, Shortridge, Smith, Welch, Williams, and Wolfe—11.

NOES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Rowell, Sanford, Selva, Tyrrell of San Francisco, Ward, and Woodward—22.

Senator Lardner moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

By striking out of title, line three, the word "State" after the word "the" and before the word "Board," and inserting the following after the word "of" in title on page one, line three: the word "State."

Also: In line four hundred and seventy, page fourteen, strike out the words "extending northerly," and insert in lieu thereof the word "north."

Also: In lines four hundred and seventy-one and four hundred and seventy-two strike out the words "extending southerly," and insert the word "south."

Also: Amend by striking out the words "such sums as they may deem proper," in line four hundred and eighty-two, on page fourteen, and insert in lieu thereof the following: "a sum of not less than \$100,000."

Also: On line four hundred and eighty-three, page fourteen, printed bill, after the word "leases," amend by inserting the following: "In case of any violation of the terms of any of said leases said Board of Harbor Commissioners may bring suit upon said bond for any damages by reason of the failure to comply with the terms of said leases."

Also: In line four hundred and sixty-seven, page thirteen, printed amended bill, after the word "Commissioners," amend by inserting the following:

"That said person, firm or corporation hereby agrees that in case of any litigation arising between said Board of Harbor Commissioners and the said person, firm or corporation, their successors or assigns, regarding such lease or its provisions, or the rights or privileges of either party thereunder, the said person, firm or corporation, in consideration of the rights and privileges granted by said lease, will litigate the same in the courts of the State of California, and will not appeal or apply in any manner to the courts of the United States with reference to said litigation, and the said person, firm or corporation does hereby waive any and all right it may have to appeal or apply to the courts of the United States with reference to any and all questions concerning such lease or the rights or privileges thereunder."

Also: Add to line five hundred and eleven, page fifteen, the following: "*provided, however, that no lease, grant, or privilege shall be valid unless the same shall be approved by a writing signed by the Governor and the Mayor of the City and County of San Francisco, which shall be duly acknowledged in the same manner as grants of real estate and filed in the office of the Secretary of State. No such lease, grant, or privilege shall be sold, assigned, sublet, or incumbered in any manner save by like consent of the Governor of the State of California and Mayor of the City and County of San Francisco, in writing, to be acknowledged and filed as aforesaid, and any such sale, assignment, sublease, or incumbrance without such consent shall not only be void but shall also operate as a breach of the original lease, grant, or privilege, and any such lease, grant, or privilege shall be deemed to have been made on these conditions.*"

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 896, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendments, adopted.

Senator Wolfe moved to refer to Senator Shortridge, as a special committee of one, to amend as follows:

By striking out of section one, line four hundred and eighty-one, the words "State lands."

Motion lost.

Senator Wolfe moved to refer to Senator Shortridge, as a special committee of one, to amend as follows:

Strike out of lines four hundred and eighty-nine and four hundred and ninety, page fourteen of printed bill, the words "provide for an annual rental not exceeding five hundred dollars," and insert in lieu thereof the following: "be sold to the highest and best bidder therefor."

The question being on the motion to appoint a special committee of one.

The ayes and noes were demanded by Senators Wolfe, Ralston, and Shortridge.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bunkers, Corlett, Nelson, Oneal, Pendleton, Plunkett, Ralston, Shortridge, Smith, and Wolfe—10.

NOES—Senators Bauer, Belshaw, Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Ward, and Woodward—22.

Bill ordered to print and re-engrossment.

At eleven o'clock and forty minutes P. M., Hon. Chas. M. Belshaw, State Senator from the Eleventh Senatorial District, in the chair.

SPECIAL ORDER SET.

On motion of Senator Leavitt, the further consideration of Senate Bill No. 896 was made a special order for Thursday, March 12, 1903, at eleven o'clock A. M.

MOTION TO RECONSIDER.

In compliance with his notice given on previous day, Senator Devlin moved that the vote whereby Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code of the State of California, relating to County Boards of Education—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Belshaw, Corlett, Devlin, Diggs, French, Knowland, Lardner, Luchsinger, Lukens, Muentzer, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—23.

NOES—None.

Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code, relating to County Boards of Education.

The vote whereby the bill was passed having been reconsidered.

The question being on the passage of the bill.

Senator Devlin moved to refer to Senator Lardner, as a special committee of one, to amend as follows:

By striking out from line twelve all the words after "shall appoint two."

Also: By striking out all of line thirteen.

Also: Amend line twenty-one to read after the word "shall," "hold" instead of "be holding."

The question being on the motion to refer to a special committee of one to amend.

SPECIAL ORDER SET.

On motion of Senator Devlin, the further consideration of Assembly Bill No. 345 was made a special order for Thursday, March 12, 1903, immediately after reading of the Journal.

REPORT OF COMMITTEE OF CONFERENCE.

The following report of committee of conference was received and read:

MR. PRESIDENT: Your committee of conference on Senate Bill No. 34 have had the same under consideration and report the following recommendations:

That the Assembly recede from the amendment proposed by Mr. Mattos, to wit: To strike out of line five of printed bill the words "ninety-nine" and insert the following: "twenty-five," and that the Senate concur in the amendment by Mr. McCartney, to wit: Amend by striking out all after section seven hundred and eighteen (718) and inserting in lieu thereof the following words:

"718. No lease or grant of any town or city lot, for a longer period than fifty years, in which shall be reserved any rent or service of any kind, shall be valid; *provided*, that the property of any municipality, or any minor or incompetent person, shall not be leased for a longer period than ten years.

"Sec. 2. This Act shall take effect and be in force from and after its passage."

And that the bill be agreed upon as per attached printed copy.

SENATE BILL NO. 34.

An Act to amend section seven hundred and eighteen of the Civil Code, relating to leases of city and town lots.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven hundred and eighteen of the Civil Code is hereby amended to read as follows:

718. No lease or grant of any town or city lot, for a longer period than fifty years, in

which shall be reserved any rent or service of any kind, shall be valid; *provided*, that the property of any municipality, or any minor or incompetent person, shall not be leased for a longer period than ten years.

SEC. 2. This Act shall take effect and be in force from and after its passage.

HUBBELL,
WARD,
SANFORD,

Committee on part of the Senate.

McCARTNEY,
CARTER,
MATOS,

Committee on part of the Assembly.

LEAVE OF ABSENCE.

At eleven o'clock and forty-five minutes P. M., Senator Wolfe was, on his own motion, granted leave of absence for the evening.

MOTION TO RECONSIDER POSTPONED.

On motion of Senator Lardner, consideration of the motion made on a previous day to reconsider the vote whereby Senate Bill No. 429 was passed, was postponed until the next legislative day.

CONSIDERATION OF SPECIAL FILE OF APPROPRIATION BILLS—(RESUMED).

Assembly Bill No. 474—An Act to amend Section 6 of an Act entitled "An Act to create and establish a State Board of Horticulture and appropriate money for the expenses thereof," approved March 7, 1889.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties, and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological research.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 919—An Act to amend an Act entitled "An Act authorizing the Common Council, Board of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897.

During second reading of bill, the following amendment was submitted by committee:

Amend the title by inserting after the word "class" in the fourth line of the title the words "to refund its indebtedness."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Assembly Bill No. 547—An Act to provide for the establishment and maintenance of an industrial institute and college for girls, and to provide an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 633—An Act to amend Section 315 of the Penal Code of the State of California, relating to keeping or residing in a house of ill-fame.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 884—An Act to pay the claim of John Shaughnessy, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 844—An Act providing for the casing of wells drilled for the production of petroleum or any other substance in any of the petroleum-producing districts of the State of California, and also providing for the filling up of such wells whenever the same are abandoned or operations have ceased therein, for the purpose of preventing water from either the overlying or underlying strata from penetrating the petroleum-bearing sands; providing for the notification of at least five owners of the oil lands nearest adjacent to the property upon which said well is being drilled of the intention of the operator to withdraw the casing or plug the well or of abandonment of operations; also, providing for the filing of affidavits with the County Recorder; providing for the penalty for violations.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the Tioga Mine, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 85—An Act to appropriate \$8.875 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9355 upon the register of the Superior Court of the County of Sacramento.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read second time, and ordered on file for third reading.

Assembly Bill No. 829—An Act to create the office of official reporter for the various Superior Courts of California, and for each department thereof, and to classify the counties of this State for the purpose of providing salaries and compensation for such officers and to fix the same.

During second reading of bill, the following amendments were submitted by committee:

Amend in line three of title of printed bill, as amended March 3, 1903, between the word "thereof" and the word "and," insert the following: "and to make the same a county office."

Amendment adopted.

Also:

Amend in line thirteen, page two of printed bill, as amended March 3, 1903, between the word "court" and the word "as" insert the following: "and for transcriptions and other services when herein expressly specified."

Amendment adopted.

Also:

Amend by striking out of printed bill, as amended March 3, 1903, lines two hundred and five and two hundred and six, page seven.

Amendment adopted.

Also:

Strike out of line two hundred and twelve, page seven of printed bill, as amended March 3, 1903, the word "fifty" and in lieu thereof insert the following: "eighty-five."

Amendment adopted.

Also:

In line two hundred and forty, page eight, printed bill, as amended March 3, 1903, after the word "court," insert "except as herein otherwise provided."

Amendment adopted.

Also:

Amend the printed bill, as amended March 3, 1903, by inserting in line one hundred and twenty, page seven, after the word "month," the following: "for all reporting, including transcriptions in criminal cases, but the fees for transcription in civil cases may be retained by the reporter to his own use."

Amendment adopted.

Also:

In lines thirty-seven and thirty-eight, page two of printed bill, strike out the words "a salary of eighty-five dollars per month," and in lieu thereof insert the following: "the fees now allowed by law."

Amendment adopted.

Also:

Strike out the semicolon after the word "parties," in line one hundred and one, page four of printed bill, as amended March 3, 1903, and in lieu thereof insert a comma.

Amendment adopted.

Also:

Strike out the word "five" in line one hundred and three, page four of printed bill, as amended March 3, 1903, and insert in lieu thereof the word "ten."

Amendment adopted.

Also:

In lines thirty-nine and forty, page three of printed bill, as amended March 3, 1903, strike out the words "a salary of sixty dollars per month," and in lieu thereof insert the following: "the fees now allowed by law."

Amendment adopted.

Also:

Strike out line fourteen, page two of printed bill, as amended March 3, 1903, and in lieu thereof insert the following: "The provisions of this Act shall in nowise apply to nor affect counties of the first class or cities and counties of the first class."

Amendment adopted.

Also:

Strike out of lines sixteen and seventeen, page two of printed bill, as amended March 3, 1903, and in lieu thereof insert the following: "in counties of the third class ten dollars per diem."

Amendment adopted.

The following amendment was offered:

By Senator Ralston:

Amend by inserting after the word "month" in line one hundred and twenty, page five, printed bill, the following: "which shall be in full for all services of said reporter in reporting in civil cases and reporting and transcribing in criminal cases in the Superior Court, preliminary examinations in Justices' Courts and Coroners' inquests when required by the District Attorney to report such inquests."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

CONSIDERATION OF SPECIAL URGENCY FILE.

Assembly Bill No. 321—An Act to pay the claim of the California State Agricultural Society against the State, and appropriating money therefor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 321 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Oneal, Pendleton, Ralston, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION.

The following resolution was offered:

By Senator Caldwell:

Resolved, That Senate Bill No. 925 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Pendleton, Plunkett, Ralston, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—27.
NOES—None.

CASE OF URGENCY.

Senate Bill No. 925—An Act to purchase from Wm. Cogswell two paintings, one of ex-President Abraham Lincoln and the other of ex-President Wm. McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of \$1,500 therefor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 925 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Ralston, Selvage, Smith, Tyrrell of San Francisco, and Ward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 635—An Act to amend Sections 269, 273, and 274 of the Code of Civil Procedure, all relating to phonographic reporters.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 635 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Knowland, Lardner, Luchsinger, Lukens, Muentz, Nelson, Pendleton, Plunkett, Ralston, Shortridge, Smith, Tyrrell of Nevada, and Ward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock and forty-eight minutes P. M., Hon. J. B. Curtin, State Senator from the Twelfth Senatorial District, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Flint asked for and was granted unanimous consent to take up Senate Bill No. 901 for immediate consideration.

Senate Bill No. 901—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 173 thereof.

During second reading of bill, the following amendments were offered:
By Senator Flint:

Amend by inserting at the end of section sixteen, line one hundred and eight, page four, the words: "When it shall be necessary for such reporter to travel away from the county seat, in the performance of his duty, he shall receive his actual traveling expenses."

Amendment adopted.

Also:

Amend by striking out of section sixteen, after the word "receive" in line one hundred and one, page four, down to and including the word "cases," in line one hundred and six, section sixteen, page four, and in lieu thereof insert the following: "the fees allowed by law."

Amendment adopted.

Also:

Amend by inserting in section sixteen, line ten, page four, after the word "notes," the following: "in civil cases."

Amendment adopted.

Also:

Amend by inserting in section sixteen, line one hundred, page four, after the word "officers," the following: "said compensation to be in full for transcription of said notes in criminal cases."

Amendment adopted.

Bill read second time, ordered to print, engrossment, and third reading.

CONSIDERATION OF SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 908—An Act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 908 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Knowland, Lardner, Leavitt, Lukens, Nelson, Oneal, Pendleton,

Plunkett, Ralston, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 906—An Act to authorize cities to acquire and operate a joint system or systems of water supply.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 906 passed by the following vote:

AYES—Senators Caldwell, Coggins, Curtin, Devlin, Diggs, Flint, French, Knowland, Lardner, Leavitt, Lukens, Muentner, Oneal, Plunkett, Ralston, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—21.

NOES—Senators Bunkers, Corlett, and Nelson—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 743—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 743 finally passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 780—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled "An Act concerning the water front of the City and County of San Francisco," approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880," approved March 19, 1889, conferring further powers upon the said board, approved March 26, 1895,' approved March 23, 1901, conferring further powers on said board of commissioners."

Read third time.

Senator Muentner moved to refer to Senator Knowland, as a special committee of one, to amend as follows:

By striking out of section one, line two, page one, the words "An Act to amend an Act entitled."

Also: Amend by striking out of the title, in lines two and three, the following words: "An Act to amend an Act entitled."

Also: Amend by inserting after the word "forfeited," in section one, line eighty of page three of printed bill, the following: "said lease shall further provide that the said Board of State Harbor Commissioners shall be authorized to collect charges for dockage and tolls from vessels landing at said seawall, or at any wharf or structure abutting upon the same, at the rates or charges now or hereafter to be established by said Board of State Harbor Commissioners."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 780, with instructions to amend, respectfully reports the same back, amended as per instructions.

KNOWLAND, Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and re-engrossment.

SPECIAL ORDER SET.

On motion of Senator Knowland, further consideration of Senate Bill No. 780 was made a special order for Thursday, March 12, 1903, to follow other special orders after the reading of the Journal.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 396—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto a new section, to be designated as Section 779, relative to the election, in municipal corporations of the fifth class, of a board of fifteen freeholders to frame a charter for the government of any such municipality.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 396 finally passed by the following vote:

AYES—Senators Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Knowland, Lardner, Leavitt, Lukens, Oneal, Pendleton, Plunkett, Ralston, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to counties of the third class.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 578 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, French, Knowland, Lardner, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Plunkett, Ralston, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

Senator Ralston moved that the vote whereby the following amendment:

Amend by inserting after the word "month," in line one hundred and twenty, page five, printed bill, the following: "which shall be in full for all services of said reporter in reporting in civil cases and reporting and transcribing in criminal cases in the Superior Court, preliminary examinations in Justice Courts and Coroner's inquests when required by the District Attorney to report such inquests,"

to Assembly Bill No. 829 was adopted, be now reconsidered.

Motion carried.

CONSIDERATION OF SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 867—An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and relating to disclosures confidentially made to the officers of the corporations named in said Act and authorized to discharge the duties therein provided for.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 867 finally passed by the following vote:

AYES—Senators Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Knowland, Lardner, Leavitt, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 920—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered Section 1144, relating to the payment of fees to grand jurors.

Bill read second time.

Read third time.

On motion of Senator Nelson, passed on file, to retain place.

Senate Bill No. 514—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 36 thereof, relating to the powers and duties of Boards of Supervisors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 514 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Devlin, Flint, French, Knowland, Lardner, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 758—An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 758 finally passed by the following vote:

AYES—Senators Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 905—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, by amending Section 190 thereof, relating to counties of the thirty-third class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 905 passed by the following vote:

AYES—Senators Caldwell, Coggins, Corlett, Curtin, Flint, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At one o'clock and fifty-four minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

Committee Substitute for Senate Bills Nos. 638, 881, 643, and Assembly Bill No. 586—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Read third time.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bills Nos. 638, 881, 643, and Assembly Bill No. 586 passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 644—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits by insurance companies for the protection of policy holders.

Read third time.

On motion of Senator Shortridge, passed on file, to retain place.

Assembly Bill No. 135—An Act to amend Section 3876 of the Political Code, relating to settlements with the Controller and payments into the State Treasury.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 135 finally passed by the following vote:

AYES—Senators Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Selvage, Smith, Tyrrell of San Francisco, and Tyrrell of Nevada—21.
NOES—Senator Shortridge—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 794—An Act providing that in any city, or city and county in this State where by general law or by charter the Board of Police Commissioners of such city, or city and county, is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or

licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction, shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill read second time, considered engrossed, and ordered on file for third reading.

ADJOURNMENT.

At eleven o'clock and fifty-eight minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate adjourned until ten o'clock and forty-five minutes A. M. of Thursday, March 12, 1903.

IN SENATE.

SENATE CHAMBER,
Thursday, March 12, 1903. }

Pursuant to adjournment, the Senate met at ten o'clock and forty-five minutes A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Ralston, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—31.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, March 11, 1903, the further reading was dispensed with, on motion of Senator Coggins.

APPROVAL OF JOURNAL.

The Journal of Tuesday, March 10, 1903, having been corrected, was read and approved.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused to recede from Assembly amendments to Senate Bill No. 34, and have appointed a conference committee of three, viz.: Messrs. McCartney, Carter, and Mattos, and respectfully ask your honorable body to appoint a like committee for conference.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended and passed as amended, Senate Bill No. 305—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor—and respectfully request your honorable body to concur in said amendments.

Also: Passed Assembly Bill No. 166—An Act making an appropriation to pay the claim of A. W. Rapelye against the State of California.

Also: Assembly Bill No. 366—An Act to amend Section 2 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the costs of street work and improvement within municipalities, and also for the payment of such bonds," approved February 27, 1893.

Also: Assembly Bill No. 623—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 4166, relating to the furnishing by Boards of Supervisors, rooms, light, and fuel for Justices of the Peace in townships of five thousand inhabitants or over.

Also: Concurred in Senate amendments to Assembly Bill No. 697.

Also: Passed Assembly Bill No. 931—An Act to amend Section 159½ of the Penal Code, making it a misdemeanor to advertise to obtain or procure a divorce or nullity of marriage, or in anywise to advertise the word divorce or any word affecting domestic relations.

Also: Assembly Bill No. 76—An Act to pay the claim of John W. Bird, and making an appropriation therefor.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 305?"

ASSEMBLY AMENDMENT.

Amend by striking out of section four, line two, page one, printed bill, the figures "1904," and in lieu thereof inserting the following: "1905."

The roll was called, and the Assembly amendment to Senate Bill No. 305 concurred in by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Sanford, Savage, Selva, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—29.

NOES—None.

Senate Bill No. 305 ordered to enrollment.

Assembly Bill No. 166 read first time, and, on motion of Senator Savage, ordered on file without reference to committee.

Assembly Bill No. 366 read first time, and referred to Committee on Municipal Corporations.

Assembly Bill No. 623 read first time, and referred to Committee on County Government.

Assembly Bill No. 931 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 76 read first time, and referred to Committee on Finance.

COMMUNICATION.

The following communication was received by the Secretary and ordered printed in the Journal:

UNITED STATES SENATE, }
WASHINGTON, D. C., March 6, 1903. }

HON. FRANK J. BRANDON, *Secretary Senate, Sacramento, California*:

MY DEAR BRANDON: I am in receipt of your telegram of the 5th inst., giving text of the resolution relative to the construction of battleships in the U. S. navy yards, and would state that in the conference committee, of which I was a member, I strongly urged that this course be pursued. The committee was so far convinced of the justice of the plea, that, as you will see from the inclosed report, which was incorporated in the amended bill, the Secretary of the Navy may, at his discretion, order the ships author-

ized to be built in the navy yards. I would further state that I have from Secretary Moody good reason to hope that one of the smaller battleships will be given to Mare Island, or a training ship at least. Yours very truly,

GEO. C. PERKINS.

(Inclosure.)

"That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed, by contract or in navy yards, as hereinafter provided, three first-class battleships carrying the heaviest armor and most powerful ordnance for vessels of their class upon a trial displacement of not more than 16,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$1,212,000 each; two first-class battleships, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of not more than 13,000 tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding \$3,590,000 each; two steel ships, to be used in training landsmen and apprentices, to be propelled by sail, and to cost, exclusive of armament, not exceeding \$370,000 each; one wooden brig, to be used for training landsmen and apprentices at stations, to be propelled by sail, and to cost, exclusive of armament, not exceeding \$50,000.

"And the contract for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and in the construction of all of said vessels the provisions of the Act of August 3, 1886, entitled "An Act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same, the plans, drawings, specifications therefor, and the method of executing said contracts, shall be observed and followed, and, subject to the provisions of this Act, all said vessels shall be built in compliance with the terms of said Act, and in all their parts shall be of domestic machinery; and the steel material shall be of domestic manufacture, and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy; and not more than two of the five battleships provided for in this Act shall be built by one contracting party; *provided further*, that the Secretary of the Navy may build any or all of the vessels herein authorized in such navy yards as he may designate, and shall build any of the vessels herein authorized in such navy yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels."

And the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: On page 69 of the bill, line 12, after the word "tested," strike out the word "before"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: Strike out the language proposed to be inserted by said amendment, and also on page 69, lines 12 and 13 of the bill, strike out the words "August first, nineteen hundred and three"; and the Senate agree to the same.

GEORGE EDMUND FOSS,
ALSTON G. DAYTON,
F. C. TATE,

Managers on the part of the House.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,

Managers on the part of the Senate.

RESOLUTION.

The following resolution was offered:

By Senator Leavitt:

Resolved, That Section 2 of Article IV of the Constitution, and the provision of that section requiring that no bill shall be introduced in either house after the fiftieth day of the session without the consent of two thirds of the members thereof, be complied with, and that Senator Leavitt be and he is hereby permitted to introduce Senate Bill No. 927.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin,

Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Wolfe, and Woodward—28.

NOES—None.

INTRODUCTION OF BILL.

The constitutional provision limiting the introduction of bills to the first fifty days of the session having been complied with, the following bill was introduced:

By Senator Leavitt: Senate Bill No. 927—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session.

Bill read first time, and ordered on file without reference to committee.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON PRINTING.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Printing, to whom was referred Senate Concurrent Resolution No. 19—Relative to the printing for distribution by the Secretary of State to certain county officers of additional copies of Senate Bills Nos. 792 and 793—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

NELSON, Chairman.

Senate Concurrent Resolution No. 19 ordered on file.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Fish and Game, to whom was referred Assembly Bill No. 199—An Act to amend Section 627 of the Penal Code, relating to the preservation of game—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

COGGINS, Chairman.

Assembly Bill No. 199 ordered on file.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 715—An Act to amend Section 1275 of the Civil Code, relating to testamentary dispositions to corporations.

Also: Assembly Bill No. 459—An Act to repeal Section 28 of the Penal Code of the State of California, relating to discharge of prisoners on Monday.

Also: Assembly Bill No. 577—An Act to amend Section 939 of an Act entitled "An Act to establish a Code of Civil Procedure."

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 397—An Act to allow the people of the State of California, by ballot, to instruct the Senators and members of the Assembly of the Legislature of the State of California as to the election of Senators to the Congress of the United States—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

Also: Assembly Bill No. 189—An Act to amend Section 1737 of the Code of Civil Procedure of the State of California, relating to Public Administrators—have had the same under consideration, and respectfully report the same back without recommendation.

LUKENS, Chairman.

Assembly Bills Nos. 715, 459, 577, 397, and 189 ordered on file.

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 958—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations,

approved March 26, 1895," which became a law March 4, 1899—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

Savage, Chairman.

Assembly Bill No. 958 ordered on file.

ON LABOR AND CAPITAL.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 693—An Act regulating the hours of employment in underground mines and in smelting and ore reduction works and of hoisting engineers in and about mines—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

FRENCH, Chairman.

Assembly Bill No. 693 ordered on file.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly engrossed:

Senate Bill No. 896—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the Board of State Harbor Commissioners.

HUBBELL, Chairman.

Senate Bill No. 896 ordered on file.

ON AGRICULTURE AND DAIRYING.

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Agriculture and Dairying, to whom was referred Assembly Bill No. 684—An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

BYRNES, Chairman.

Assembly Bill No. 684 ordered on file.

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That there be and is hereby appropriated out of the Contingent Fund of the Senate the sum of one hundred (\$100) dollars to be paid to J. Steppacher for services rendered to the Committee on Elections and Election Laws; and be it further

Resolved, That the Controller of State be and he is hereby authorized to draw his warrant in favor of said J. Steppacher for the sum of one hundred (\$100) dollars, and the Treasurer is hereby directed to pay the same.

Also:

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Inaugural Ceremonies, to whom was referred the conduct of the Inauguration, beg leave to report that, in conjunction with the committee appointed by the Assembly, they have approved bills therefor aggregating the sum of one thousand eight hundred and twenty-three and ninety one-hundredths (\$1,823.90) dollars, as per Schedule "A" annexed hereto and made a part hereof. That the payment of the said sums was, under the terms of the resolution appointing your committee, to be made one half (\$911.95) out of the Contingent Fund of the Senate, and one half (\$911.95) out of the Contingent Fund of the Assembly. We therefore respectfully move the adoption of the following resolution:

Resolved, That the Committee on Inaugural Ceremonies be and they are hereby authorized to draw on account of the expenses of the said ceremonies the sum of nine hundred and eleven and ninety-five one-hundredths (\$911.95) dollars, and the Controller of State is hereby requested to draw his warrant for the said sum in favor of G. R. Lukens, Chairman of the Committee on Inaugural Ceremonies, and the Treasurer of State is directed to pay the same out of the Contingent Fund of the Senate.

LUKENS, Chairman.

(Schedule "A.")

Statement of Expenses of Inaugural Ceremonies, January 7, 1903.

Southern Pacific Company, transportation furnished various companies of the National Guard of California	\$1,167 40
Second Infantry Band (Wm. Hale, Manager), music	100 00
Troop "B," Third Brigade, N. G. C., salutes	75 00
Troop "B," Third Brigade, N. G. C., horse hire	74 00
J. A. Blair, horse hire	24 00
Fashion Stables (Paine & Wright), carriage hire	25 00
A. J. Wilson, carriage hire	40 00
J. A. Lafferty & Son, carriage hire	20 00
M. Miller, carriage hire	10 00
H. U. Hand, music	27 00
J. T. Stafford, Sergeant-at-Arms Assembly, to extra help putting Assembly chambers in order for Inaugural Ceremonies, viz.:	
John F. Hynes, two days at \$3.00	\$6 00
Wm. Matthews, two days at \$3.00	6 00
E. D. Young, two days at \$3.00	6 00
Barney Hughes, two days at \$3.00	6 00
Frank Littlejohn, two days at \$3.00	6 00
O. T. Pierce, two days at \$3.00	6 00
	36 00
J. T. Stafford, Sergeant-at-Arms Assembly, to extra help, etc., putting Assembly chambers in order for Inaugural Ceremonies, viz.:	
Gus Ahl, January 7th, to building of platform and raising of desk, and removing screen in Assembly chambers	\$13 10
January 8th, to replacing of screen and removing platform....	4 50
	17 60
Tom Scott, labor taking down railing and putting up same	15 00
John Breuner Co., folding chairs rented	40 00
Inaugural Ball Decoration Committee, decorating Senate and Assembly halls and materials, help, etc., viz.:	
January 6th, H. McWilliams, florist	\$30 00
January 6th, Wm. Boyne, decorator	75 00
January 6th, John Breuner Co., furnishings	20 00
January 6th, extra labor help	24 50
	149 50
Telegrams	3 40
Total	\$1,823 90
Senate	\$911 95
Assembly	911 95
	\$1,823 90

Have had the same under consideration, and respectfully report the same back, and recommend that they be adopted.

Also: To whom was referred the following bills:

Frank M. Jones	\$5 00
H. S. Crocker Co.	59 75
H. E. Sleeper	50
Lillian O'Neill	3 75
E. Washburn	3 75
	\$62 75

Have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of the Secretary of Senate, for the sum of fifty-one and seventy-five one-hundredths (\$52.75) dollars, in payment of the bills hereto attached; and the Treasurer is directed to pay the same.

Also: To whom was referred the following bills:

Tom Scott	\$111 10
D. Johnston & Co.	12 40
Capital Artesian Water Co.	84 00
Kane & Trainor Ice Co.	31 50
John Breuner Co.	43 75
William Carragher	3 50
Sergeant-at-Arms (expressage)	19 15
Sergeant-at-Arms (serving subpoenas)	24 50
Sergeant-at-Arms (mileage of Committee on Commerce and Navigation to San Francisco)	72 00
C. J. Peters	1 80
Mrs. Hall	9 10
	\$412 80

Have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of four hundred twelve and eighty one-hundredths (\$412.80) dollars, in payment of the bills hereto attached, and the Treasurer is directed to pay the same.

Also: To whom was referred the following bills:

John Breuner Co.....	\$10 30
Capital Telephone and Telegraph Co.....	6 00
Tom Scott.....	9 40
Sunset Telephone and Telegraph Co.....	14 00
Capital Artesian Water Co.....	63 00
F. R. Pulford.....	21 70
Sergeant-at-Arms (hack hire).....	10 50
Mrs. E. Hall.....	6 00
W. H. Frasier.....	6 50
Kane & Trainor Ice Co.....	44 00
Sergeant-at-Arms, account expenses incurred funeral Miss L. Baisley	897 25

\$1,088 65

Have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of one thousand eighty-eight and sixty-five one-hundredths (\$1,088.65) dollars, in payment of the bills hereto attached, and the Treasurer is hereby directed to pay the same.

FLINT, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Rowell, Sanford, Savage, Shortridge, Ward, Williams, Wolfe, and Woodward—26.

NOES—None.

BILL RECALLED FROM PRINT FOR THE PURPOSE OF AMENDMENT.

On motion of Senator Luchsinger, Assembly Bill No. 829 was recalled from printer for the purpose of offering an amendment.

Assembly Bill No. 829—An Act to create the office of official reporter for the various Superior Courts of California, and for each department thereof, and to classify the counties of this State for the purpose of providing salaries and compensation for such officers, and to fix the same.

Read second time on a previous day, and open to amendment.

The following amendment was offered by Senator Luchsinger:

Amend by striking out of section one, line thirty-six of printed bill as amended March 3, 1903, and in lieu thereof insert the following: "In counties of the twelfth class the compensation to be as provided for in an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending section one hundred and sixty-nine thereof, relating to counties of the twelfth class."

Amendment adopted.

Bill ordered to print and third reading.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Curtin moved that the vote whereby Assembly Bill No. 542—An Act to protect the public health by prohibiting the sale of goods in second-hand bottles, or jars, making it a misdemeanor and providing penalties for the violation thereof—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Ralston, Rowell, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—29.

NOES—Senator Wolfe—1.

The vote whereby the bill had been passed having been reconsidered.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 542 refused passage by the following vote:

AYES—Senators Bauer, Bunkers, French, Leavitt, Smith, Tyrrell of Nevada, and Wolfe—7.

NOES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—28.

CONSIDERATION OF MOTION TO RECONSIDER.

Senator Lardner moved that his motion, made on a previous day, that the vote whereby Senate Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological research—was passed, be now reconsidered.

Motion carried.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Corlett, Diggs, Flint, French, Greenwell, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—28.

NOES—Senator Leavitt—1.

The vote whereby Senate Bill No. 429 was passed having been reconsidered.

The question being on the passage of the bill.

On motion of Senator Lardner, passed on file, to retain place.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Belshaw asked for and was granted unanimous consent to have Senate Concurrent Resolution No. 19 taken up for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 19.

Relative to the printing for distribution by the Secretary of State to certain county officers of additional copies of Senate Bills Nos. 792 and 793.

Resolved by the Senate, the Assembly concurring. That the State Printer be and is hereby instructed to print two thousand copies of Senate Bill No. 792, and five thousand copies of Senate Bill No. 793, and that the copies so printed shall be delivered to the Secretary of State, who shall mail the copies of said bills in such numbers as he may deem proper, to the various boards of supervisors of the State, registrars of voters, city councils, town trustees, and to the governing bodies of the several political parties in the State; be it further

Resolved, That this resolution is conditioned upon the approval of said bills by the Governor.

Senate Concurrent Resolution No. 19 read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 19 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Diggs, Flint, French, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Ward, Wolfe, and Woodward—24.
NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Shortridge:

Be it Resolved, That Miss E. Washburn be and she is hereby allowed the sum of ten (\$10.00) dollars for stenographic work done and performed on the 5th and 6th days of January, 1903, for the Committee on Municipal Corporations and the Secretary of the Senate, and the Controller is hereby ordered to draw his warrant in favor of Miss E. Washburn for the sum of ten dollars (\$10.00) against the Contingent Fund of the Senate, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Wolfe:

Resolved, That S. Wacholder, History Clerk, and F. T. Finch, Assistant History Clerk of the Senate of the State of California, be and they are hereby directed to compile, prepare, have printed and distributed to each member of said Senate, after the adjournment of the Senate, a final history of the legislative business of the Senate of the thirty-fifth session of the Legislature; said final history to be a complete history of all Senate bills, Senate constitutional amendments, Senate concurrent resolutions, and Senate joint resolutions introduced during said thirty-fifth session. The State Printer is hereby directed to print said final history, and it is hereby made the duty of said History Clerks to file one copy of said final history with the Governor, one copy with the Secretary of State, and to transmit one copy thereof to each member of the Senate. As compensation for their services in so compiling and distributing said final history, said History Clerk and said Assistant History Clerk are each allowed the sum of \$50.00, and they are hereby allowed the further sum of \$50.00 for their postage, expressage, and other expenses in so compiling and distributing said final history. The State Controller is hereby directed to draw his warrant in favor of said S. Wacholder and F. T. Finch for the sums herein provided, and the Treasurer is hereby directed to pay the same out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Smith:

Resolved, That D. J. Shields, messenger to the Secretary of the Senate, be required to serve as such for one week after the final adjournment of this session of the Legislature, to serve the Secretary of the Senate and the clerks required by law to remain over to prepare papers, etc., to file with the Secretary of the State. The Controller is hereby authorized to draw his warrant on the State Treasurer in favor of said D. J. Shields for \$21, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Lukens:

Resolved, That the Lieutenant-Governor be and he is hereby authorized to establish his office outside of the Capitol building, and for that purpose the Sergeant-at-Arms of the Senate is hereby instructed to place the furniture and office fixtures of the Lieutenant-Governor's office in such building as the Lieutenant-Governor shall designate.

RESPONSE OF THE LIEUTENANT-GOVERNOR RELATIVE TO THE FOREGOING
RESOLUTION.

The Lieutenant-Governor stated in reference to the resolution that he appreciated highly the kindly sentiment and the courtesy of the Sena-

tor that prompted the resolution, but that as there would be plenty of room at the Capitol after the adjournment of the Legislature, he did not deem the action necessary and asked that the same be not adopted, and added that he would direct the Sergeant-at-Arms to store all articles belonging to his office in the room of the Lieutenant-Governor in the Capitol.

The motion for the adoption of the resolution was not put by the President, but, on motion of Senator Lukens, the resolution and the President's response were ordered printed in the Journal of the day's proceedings.

By Senator Corlett:

Resolved, That Chas. C. Metcalf be and he is hereby employed for one week after the final adjournment of this session of the Legislature, his work to be assigned by the Sergeant-at-Arms of the Senate, and the Controller is hereby authorized to draw his warrant for \$21 in favor of Chas. C. Metcalf, and the Treasurer is directed to pay the same, payable out of the fund for the contingent expenses of the Senate.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That I. M. King, Journal Clerk of the Senate, and T. M. Marois, his assistant, be and they are hereby employed after the final adjournment of the thirty-fifth session of the Legislature of the State of California, for the purpose of completing the work devolving upon them as Journal Clerks of the Senate, in comparing and delivering the corrected and approved Journals and five bond copies of the same (as required by law) to the Secretary of the Senate, and also in arranging and binding the original minutes of the Senate, and, when completed, delivering the same to the Secretary of the Senate (as required by law); and that for the work, I. M. King, Journal Clerk, and T. M. Marois, his assistant, be allowed the sum of fifty dollars (\$50.00) each, from and after the final adjournment of the thirty-fifth session of the Legislature, payable out of the Contingent Fund of the Senate, and the Controller is hereby directed to draw his warrants for the same and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bill No. 896 having been made a special order for this hour, the same was taken up.

Senate Bill No. 896—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners.

Read third time on a previous day.

Senator Wolfe moved to refer to Senator Ralston, as a special committee of one, to amend as follows:

By adding in line five hundred and eighteen after the word "commissioners": "Said lease shall also contain a provision that in the event that any other transcontinental railroad shall seek terminal facilities, that the person, firm, or corporation to whom the said lease shall have been made shall share with such transcontinental road the facilities herein granted, upon the conditions that said road shall pay to said lessee one half of the expense incurred by said lessee on improvements of the property leased."

The question being on the motion to refer to a special committee of one to amend.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bunkers, Byrnes, Nelson, Oneal, Plunkett, Ralston, Shortridge, Williams, and Wolfe—9.

NOES—Senators Bauer, Belshaw, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Welch, and Woodward—24.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 896 passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, Wolfe, and Woodward—28.

NOES—Senators Bunkers, Oneal, Plunkett, Ralston, Shortridge, and Williams—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 896 was this day passed.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bill correctly re-engrossed:

Senate Bill No. 780—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895, approved March 23, 1901, conferring further powers on said board of commissioners.

HUBBELL, Chairman.

Senate Bill No. 780 ordered on file.

SPECIAL ORDER SET.

On motion of Senator Leavitt, the further consideration of Senate Bill No. 780—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled "An Act to amend Section 6 of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners," approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895, approved March 23, 1901, conferring further powers on said board of commissioners—was made a special order for three o'clock and thirty minutes P. M. of this day.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Lukens, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 153—An Act to appropriate money to pay the claim of F. W. Moore for blankets supplied the State militia of the State of California during the Spanish-American War—and respectfully ask your honorable body to concur in said amendments.

Also: Passed Assembly Bill No. 178—An Act to amend Sections 780, 781, and 782 of the Political Code of the State of California, and repealing Section 779 thereof, relating to the reporters of the Supreme Court.

Also: Assembly Bill No. 337—An Act to amend Section 1633 of the Code of Civil Procedure, relating to the giving of notice upon the settlement of the accounts of executors or administrators.

Also: Assembly Bill No. 495—An Act to prohibit the sale of intoxicating liquors within certain limits of any public schoolhouse.

Also: Passed as amended Senate Bill No. 243—An Act to provide for the organization, management and control of mutual fire insurance corporations.

Also: That the Assembly this day concurred in Senate amendments to Assembly Bill No. 635.

CLIO LLOYD, Chief Clerk.

By C. A. THOMPSON, Assistant.

Assembly Bill No. 178 read first time, and, on motion of Senator Lukens, ordered on file without reference to committee.

Assembly Bill No. 337 read first time, and referred to Committee on Corporations.

Assembly Bill No. 495 read first time, and, on motion of Senator Coggins, ordered on file without reference to committee.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 153?"

ASSEMBLY AMENDMENTS.

Amend by striking out the words "the said sum being due the said T. W. Spring Co. for blankets furnished by him to the State militia of the State of California during the railroad strike of 1895."

Also: Amend the title by striking out the words "for blankets supplied the State militia of" and inserting in lieu thereof the word "against," and by striking out the words "during the railroad strike of 1895" where they occur in lines three, four, five, and six of section one, page one of printed bill.

The roll was called, and the Assembly amendments to Senate Bill No. 153 concurred in by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Curtin, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, and Woodward—26.

NOES—None.

Senate Bill No. 153 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 243?"

ASSEMBLY AMENDMENT.

Amend by striking out of section one, line thirty-one, printed bill, the word "hereto," and in lieu thereof insert the word "thereto."

The roll was called, and the Assembly amendment to Senate Bill No. 243 concurred in by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muenter, Nelson, Oneal, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Woodward—27.

NOES—None.

Senate Bill No. 243 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day did recede from Assembly amendments numbers one, two, and three to Senate Bill No. 34, and most respectfully refused to recede from Assembly amendment number four to Senate Bill No. 34, and most respectfully ask your honorable body to concur in said amendment number four.

CLIO LLOYD, Chief Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 34?"

ASSEMBLY AMENDMENT.

Amend by striking out all after Section 718, and inserting in lieu thereof the following words: "No lease or grant of any town or city lot for a longer period than fifty years, in which shall be reserved any rent or service of any kind, shall be valid; *provided*, that the property of any municipality or any minor or incompetent person shall not be leased for a longer period than ten years.

"SEC. 2. This Act shall take effect and be in force from and after its passage."

The roll was called, and the Assembly amendment to Senate Bill No. 34 concurred in by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Oneal, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—24.

NOES—None.

Senate Bill No. 34 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolution No. 16; also Assembly Constitutional Amendment No. 15.

Also: Passed Assembly Bill No. 210—An Act to amend Section 96 of the Civil Code of the State of California, relating to divorce.

Also: Assembly Bill No. 957—An Act directing the Secretary of State to perform certain work in relation to the indexing of the laws, and making an appropriation therefor.

Also: Senate Bill No. 786—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same.

Also: Senate Bill No. 661—An Act appropriating \$5,000 to erect a warehouse for the storage of jute at the State Prison at San Quentin, California.

Also: Senate Bill No. 507—An Act to provide for the licensing and inspecting of maternity hospitals, lying-in asylums, and homes for children, defining the duties of persons conducting the same, and the duties and powers of county boards of health or county health officers, and other health officers in relation thereto, and providing a penalty for the violation of its provisions.

Also: Amended, and passed as amended, Senate Bill No. 568—An Act to provide for the amount and the manner of payment of salaries of Justices of the Peace in counties of the tenth class, for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act, and repealing all laws in conflict therewith—and ask your honorable body to concur in said amendments.

Also: Passed Senate Bill No. 230—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges.

Also: Senate Bill No. 273—An Act for the relief of Charles D. Douglas.

Also: Senate Bill No. 514—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 36 thereof, relating to the powers and duties of Boards of Supervisors.

Also: Senate Bill No. 674—An Act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie.

Also: Amended, and passed as amended, Senate Bill No. 634—An Act to create a State commission of horticulture, to provide for a State commissioner of horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the Laws of 1883, Chapter VII of the Laws of 1885, Chapter LXXXVI of the Laws of 1889, and Chapter CXCV of the Laws of 1891—and ask your honorable body to concur in said amendments.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Leavitt asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 16 taken up for immediate consideration.

Assembly Concurrent Resolution No. 16—Relative to files of the Senate and Assembly during the closing days of the legislative session.

Assembly Concurrent Resolution No. 16 read.

During reading of concurrent resolution the following amendment was offered:

By Senator Leavitt:

Amend by striking out of resolution the words "or bills that have been delayed by notice of reconsideration."

The following amendment to the foregoing amendment was offered by Senator Lukens:

Insert after word "reconsideration," line seven, the following: "*provided*, that no notice of reconsideration given after March 11, 1903, shall be regarded."

The question being on the adoption of the amendment to the amendment.

The roll was called, and the amendment to the amendment adopted by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Curtin, Devlin, Diggs, French, Hahn, Knowland, Lardner, Leavitt, Lukens, Muentner, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Woodward—23.

NOES—Senators Bunkers, Byrnes, Corlett, Hubbell, Nelson, Pendleton, Plunkett, Ralston, Shortridge, Smith, Williams, and Wolfe—12.

Amendment by Senator Leavitt adopted, as amended.

The following amendment was offered:

By Senator Devlin:

Amend by adding to the resolution the following: "*provided*, also, that the Assembly may consider amendments made in the Senate to Assembly bills, and that the Senate may consider amendments made in the Assembly to Senate bills."

Amendment adopted.

The following amendment was offered:

By Senator Lukens:

Amend by striking out the figures "12th" in line ten, and inserting in lieu thereof the figures "13th."

Amendment adopted.

Concurrent resolution ordered to print and on file.

Assembly Constitutional Amendment No. 15 referred to Committee on Constitutional Amendments.

Assembly Bill No. 210 read first time, and referred to Committee on Judiciary.

Assembly Bill No. 957 read first time, and referred to Committee on Judiciary.

Senate Bills Nos. 786, 661, 507, 230, 273, 514, and 674 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 568?"

After Section 4 of printed bill insert the following:

"Sec. 5. In the office of the county clerk of counties of the tenth class a filing clerk shall be appointed by and hold office at the pleasure of the county clerk, and the compensation of such filing clerk shall be nine hundred dollars per annum."

Also: In section five, line one of printed bill, strike out figure "5" and insert in lieu thereof figure "6."

Also: Amend in line two, section four of printed bill, by striking out the word "to" and inserting in lieu thereof the word "shall."

Also: In section four, line three of printed bill, strike out the word "whose" and insert in lieu thereof the words "and the."

Also: In section four, line three, after the word "compensation," insert the words "of such cashier."

Also: Amend the title by adding after the word "collector" the words "and a file clerk in the office of the county clerk."

Also: Amend the title by inserting after the words "of this Act" the words "and to provide a cashier in the office of the tax collector."

Also: After line two of section three, add the following:

"SEC. 4. In the office of the county tax collector of counties of the tenth class, there shall be a cashier, to be appointed by and hold office at the pleasure of the county tax collector, whose compensation shall be nine hundred dollars per annum."

Also: Amend by striking out of section four of the printed bill the figure "4" and inserting in lieu thereof the figure "5."

The roll was called, and the Assembly amendments to Senate Bill No. 568 concurred in by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Corlett, Curtin, Flint, Hahn, Hubbell, Lardner, Leavitt, Lukens, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—25.

NOES—None.

Senate Bill No. 568 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 634?"

Amend by striking out of section one, in line eighteen, second page, printed bill, all after the word "clerk" down to the word "one," line nineteen, and inserting therein "at a salary of."

Also: Amend page two, section one, line thirty-eight of printed bill, by striking out the words "in Sacramento," and the comma.

Also: Amend page three, section one, line forty-seven of the printed bill, by striking out all after the comma down to and including the word "month," in line forty-eight, and inserting the following: "and shall fix a monthly compensation of such deputy at \$200 per month."

Also: Amend in line sixty-nine, section one, third page, printed bill, after the period, strike out down to and including the period in line seventy.

Also: On page eight, section twelve, line eight of the printed bill, after the word "made," insert the words "or that may be appropriated."

The roll was called, and the Assembly amendments to Senate Bill No. 634 concurred in by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—32.

NOES—None.

Senate Bill No. 634 ordered to enrollment.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Assembly Bill No. 345 having been made a special order for this day, the same was taken up, on motion of Senator Devlin.

Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code of the State of California, relating to County Boards of Education.

The vote whereby the bill was passed having been reconsidered.

Senator Devlin moved to refer to Senator Lardner, as a special committee of one, to amend as follows:

By striking out of line twelve, section one, the words "members to serve on said," and also, in line thirteen, the words "board of education for the period of one year and also two."

Also: Amend line twenty-one of said section by striking out the words "be holding," and inserting in lieu thereof "shall hold."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 345, with instructions to amend, respectfully reports the same back, amended as per instructions.

LARDNER, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and on file for final passage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 202—An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904; also, for preparing and printing literature relating to the State for distribution at said exposition, and providing a commission and expense of commission and attachés.

Senate Bill No. 13—An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 12th day of March, 1903, at one o'clock P. M.

HUBBELL, Chairman.

ON MUNICIPAL CORPORATIONS—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Assembly Bill No. 366—An Act to amend Section 2 of an Act entitled an Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds, approved February 27, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

SAVAGE, Chairman.

Assembly Bill No. 366 ordered on file.

ON EDUCATION—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Constitutional Amendment No. 22—Relative to the State Board of Education, and their duties, and County Boards of Education, and their duties—have had the same under consideration, and respectfully report the same back without recommendation.

ROWELL, Chairman.

Senate Constitutional Amendment No. 22 ordered on file.

ON COUNTY GOVERNMENT—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on County Government, to whom was referred Assembly Bill No. 623—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 4166, relating to the furnishing by Boards of Supervisors, rooms, light and fuel for Justices of the Peace in townships of five thousand inhabitants or over—have had the same under consideration, and respectfully report the same back, and recommend that it do pass.

WOODWARD, Chairman.

Assembly Bill No. 623 ordered on file.

ON PUBLIC MORALS—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Assembly Bill No. 691—An Act to prohibit the sale of spirituous, or malt, or fermented liquors or wines within five hundred feet of the exterior boundaries of a military reservation—

have had the same under consideration, and respectfully report the same back, and recommend that said bill do not pass.

JOHN G. TYRRELL, Chairman.

Assembly Bill No. 691 ordered on file.

ON JUDICIARY—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, March 11, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 72—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes in the State of California.

Also: Senate Bill No. 588—An Act to amend the Code of Civil Procedure of California by adding a new section thereto, to be known as Section 1514, relating to the closing of estates of decedents when allowed and approved claims are unpaid and the claimant cannot be found, declaring when such claims shall escheat to the State, and defining the duties of the County Treasurer, State Controller, and State Treasurer in relation thereto.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 644—An Act to amend Section 3897 of the Political Code, relating to the subsequent sale by the State of property sold and deeded to the State for delinquent taxes—have had the same under consideration, and respectfully report the same back, and recommend that it do pass as amended.

LUKENS, Chairman.

Assembly Bills Nos. 72 and 644, and Senate Bill No. 588 ordered on file.

At three o'clock and fifteen minutes P. M., Hon. C. W. Pendleton, State Senator from the Thirty-ninth Senatorial District, in the chair.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Lukens moved that the vote whereby Senate Bill No. 18—An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and motion lost by the following vote:

AYES—Senators Bunkers, Devlin, Diggs, Nelson, Rowell, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, and Wolfe—11.

NOES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Curtin, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Oneal, Pendleton, Ralston, Sanford, Savage, Ward, and Woodward—21.

Bill ordered transmitted to the Assembly.

RESOLUTION.

The following resolution was offered:

By Senator Leavitt:

Resolved, That Senate Bills Nos. 927 and 789, Assembly Bill No. 868, and Senate Bill No. 920 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

The question being on the adoption of the resolution.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Oneal moved a call of the Senate.

Motion carried.

Time, three o'clock and twenty-seven minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors. The doors were closed, and the Secretary was directed to call the roll. The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—36.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and thirty-three minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Leavitt.

The roll of absentees was called.

Whereupon the acting President announced the resolution adopted and Section 15 of Article IV of the Constitution suspended by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Sanford, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, Wolfe, and Woodward—30.

NOES—Senators Caldwell, Ralston, Rowell, and Ward—4.

CASES OF URGENCY.

Senate Bill No. 927—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 927 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Plunkett, Rowell, Savage, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 789—An Act to amend Section 307 of the Civil Code of the State of California, relating to the election of directors and the manner of voting for the same.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 789 passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Corlett, Curtin, Hubbell, Knowland, Leavitt, Lukens, Muentner, Nelson, Oneal, Pendleton, Savage, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—22.

NOES—Senators Bauer and Flint—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 868—An Act to amend the Civil Code of the State

of California by adding a new section thereto, to be numbered and known as Section 361a, relating to transfers of the business, franchises, and property of corporations.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 868 finally passed by the following vote:

AYES—Senators Byrnes, Corlett, Curtin, Devlin, French, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Plunkett, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—23.

NOES—Senator Bauer—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 920—An Act to repeal an Act entitled "An Act to prevent the introduction and provide for the investigation and suppression of contagious or infectious diseases, appropriating money to be used for such purpose," approved February 19, 1901.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 920 passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Rowell, Savage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Bill No. 780 having been made a special order for this hour, the same was taken up.

Senate Bill No. 780—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878,' and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board," approved March 26, 1895.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 780 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Devlin, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Pendleton, Plunkett, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—28.

NOES—Senator Oneal—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Wolfe gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 780 was this day passed.

CONSIDERATION OF SENATE SPECIAL URGENCY FILE.

Senator Hubbell moved that the Senate proceed to take up the Senate urgency file and continue same until completed.

Motion carried.

Senate Bill No. 644—An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits by insurance companies for the protection of policy holders.

Senator Lukens moved to refer to Senator Knowland, as a special committee of one, to amend as follows:

Amend by adding in line twenty-seven, section one, printed bill, after word "adjusted," the following: "any company having a like deposit of \$100,000 or more in any State of the United States shall be deemed to be exempted from the provisions of this section."

Motion lost.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 644 passed by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Corlett, Devlin, French, Hubbell, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Ralston, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, and Wolfe—23.

NOES—Senators Bauer, Belshaw, Curtin, Flint, Hahn, Lukens, Rowell, Sanford and Woodward—9.

Title read and approved.

Bill ordered transmitted to the Assembly.

CODE REVISION BILLS STRICKEN FROM FILE.

On motion of Senator Selvage, the Code Revision bills were stricken from the file.

WITHDRAWAL OF BILLS.

Senator Flint asked for and was granted unanimous consent to withdraw Senate Bills Nos. 909, 910, and 249.

Senate Bills Nos. 909, 910, and 249 withdrawn, and ordered stricken from the file.

Senator Smith asked for and was granted unanimous consent to withdraw Senate Bill No. 120.

Senate Bill No. 120 withdrawn, and ordered stricken from the file.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator French asked for and was granted unanimous consent to withdraw Senate Bill No. 628—An Act to pay the claim of F. Marion Wells against the State of California, and making an appropriation therefor—and substitute therefor on file Assembly Bill No. 832.

Senate Bill No. 628 withdrawn and ordered stricken from the file, and Assembly Bill No. 832 substituted therefor on file.

Assembly Bill No. 832—An Act to pay the claim of F. Marion Wells against the State of California, and making an appropriation therefor.

Bill read second time, and ordered on file for third reading.

WITHDRAWAL OF BILL.

Senator Hahn asked for and was granted unanimous consent to withdraw Senate Bill No. 787.

Senate Bill No. 787 withdrawn, and ordered stricken from the file.

CONSIDERATION OF SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 901—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses. During second reading of bill, the following amendments were offered: By Senator Caldwell:

Amend by striking out of section five, line twenty-six, page two, the word "physically."
Also: In line twenty-eight the word "physically."

Amendments adopted.

The following amendment was offered:

By Senator Belshaw:

Strike out in line twenty-five after word "injury" to and including the word "crossing," in line thirty-three, page two, and insert in lieu thereof:

"In case of railroad crossings, the jury shall be the judge as to the manner or mode of making such crossings, as to whether such crossings shall be at grade, overhead, or underneath crossings."

Amendment lost.

Bill read second time, and ordered to print and third reading.

LEAVE OF ABSENCE.

At four o'clock P. M., Senator Diggs was, on his own motion, granted a leave of absence for the day.

CONSIDERATION OF SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 944—An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 944 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Corlett, Curtin, Hubbell, Lardner, Leavitt, Lukens, Muentner, Nelson, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvaige, Shortridge, Smith, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 920—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered Section 1144, relating to the payment of fees to grand jurors.

On motion of Senator Nelson, passed on file, to retain place.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Leavitt asked for and was granted unanimous consent to withdraw Senate Bill No. 587—An Act to protect the lives and property of the traveling public and the employes of the railroads in the State of California—and substitute therefor on file Senate Bill No. 652.

Senate Bill No. 587 withdrawn and ordered stricken from the file, and Senate Bill No. 652 substituted therefor on file.

Senate Bill No. 652—An Act to amend Section 869 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, amended March 14, 1885, relative to the taking and authentication of testimony on examination in criminal cases, and to provide for the fees to be paid therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 652 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Corlett, French, Hahn, Hubbell, Lardner, Leavitt, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 531—An Act making an appropriation of \$5,000 to pay the claim of Frank H. Short for legal services rendered the State.

During second reading of bill, the following amendment was submitted by committee:

Amend by striking out the word "immediately" in line one, section three, first page, printed bill, and inserting in lieu thereof the following: "from and after January 1, 1904."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

Senate Bill No. 365—An Act to amend Sections 1 and 11 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," which Act became a law under constitutional provision, without Governor's approval, February 27, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Savage moved a call of the Senate.

The question being on the motion.

The ayes and noes were demanded by Senators Savage, Wolfe, and Selvage.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bunkers, Byrnes, Caldwell, Curtin, French, Hahn, Hubbell, Luch-singer, Nelson, Plunkett, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Wolfe, and Woodward—19.

NOES—Senators Bauer, Belshaw, Corlett, Flint, Knowland, Leavitt, Muentner, Oneal, Pendleton, Rowell, and Ward—11.

Time, five o'clock and five minutes P. M.

The acting President, in the chair, directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Corlett, Curtin, Devlin, Flint, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Wolfe, and Woodward—31.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At five o'clock and ten minutes P. M., Senator Lardner was brought before the bar of the Senate, and, on motion of Senator Wolfe, was excused for being absent from the Senate chamber.

At five o'clock and eleven minutes P. M., Senator Coggins was brought before the bar of the Senate, and, on motion of Senator Wolfe, was excused for being absent from the Senate chamber.

At five o'clock and fourteen minutes P. M., Senator Muentner moved that further proceedings under the call of the Senate be dispensed with. Motion lost.

At five o'clock and twenty minutes P. M., Senator Belshaw moved that further proceedings under the call of the Senate be dispensed with. Motion lost.

At five o'clock and twenty-four minutes P. M., Senator Lukens was brought before the bar of the Senate, and, on motion of Senator Belshaw, was excused for being absent from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and twenty-five minutes P. M., Senator Oneal moved that further proceedings under the call of the Senate be dispensed with. Motion carried.

The roll of absentees was called.

Whereupon the acting President announced that Senate Bill No. 365 was refused passage by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Corlett, Curtin, French, Hahn, Luchsinger, Nelson, Plunkett, Ralston, Sanford, Selva, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, and Wolfe—18.

NOES—Senators Belshaw, Caldwell, Coggins, Devlin, Flint, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Oneal, Pendleton, Rowell, Savage, Ward, and Woodward—17.

NOTICE OF MOTION TO RECONSIDER.

Senator Savage gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Bill No. 365 was this day refused passage.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Muentner:

Resolved, That B. Chretien, Geo. McCarty, M. Riley, A. Newell, and J. T. Conley be and they are hereby employed as Bill Clerks for seven days after the adjournment of the thirty-fifth session of the Legislature, at the same per diem now received by them, for the same services, payable out of the Contingent Fund of the Senate, and the Controller of State is hereby authorized to draw his warrants for the several amounts, and the Treasurer of State is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That Charles Spears, Mailing Clerk of the Senate, be and he is hereby employed after the final adjournment of this session of the Legislature for the purpose of mailing throughout the State, as ordered by Senate resolution adopted, all legislative matter that has not already been sent, and the Controller is hereby authorized to draw his warrant on the State Treasurer in favor of said Charles Spears for the amount of \$28, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 920—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered Section 1144, relating to the payment of fees to grand jurors.

Senator Curtin moved to refer to Senator Leavitt, as a special committee of one, to amend as follows:

By inserting in section one, line four, between the figures "1144" and the word "the" the following: "except where otherwise provided for by law."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 920, with instructions to amend, respectfully reports the same back, amended as per instructions.

LEAVITT, Committee.

Report of special committee of one, and amendment, adopted.
Bill ordered to print and on file for final passage.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Bill No. 917—An Act to add four new sections to the Civil Code, to be numbered 581, 582, 583, and 583a, relating to banks and banking—and report that the same has been correctly enrolled, and presented the same to the Governor on this 12th day of March, 1903, at five o'clock and ten minutes p. m.

HUBBELL, Chairman.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Lukens, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 19.

Also: Passed (as cases of urgency) Senate Bill No. 665—An Act to amend Sections 3571 and 3572 of the Political Code of the State of California, relating to public lands.

Also: Assembly Bill No. 975—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Also: Senate Bill No. 915—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Also: Passed Assembly Bill No. 910—An Act to amend Section 169 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897.

Also: Passed (as cases of urgency) Senate Bill No. 811—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 622a, relating to taxation of insurance companies other than life.

Also: Senate Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to counties of the third class.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant Clerk.

Senate Concurrent Resolution No. 19, and Senate Bills Nos. 665, 915, 811, and 578 ordered to enrollment.

Assembly Bills Nos. 975 and 910 ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 549—An Act for protection to life and property by providing against the use or manufacture of improperly constructed steam boilers, or boilers made of inferior material, and to provide for the testing and inspection of material to be used in the construction of steam boilers, and providing for their inspection while in course of construction and while in use.

Also: Senate Bill No. 6—An Act to provide for the purchase of additional lands for the Napa State Hospital.

Also: Senate Bill No. 73—An Act to appropriate \$30,000 for the purchase of additional lands for the use of the Stockton State Hospital, with the existing improvements thereon; for further improvements thereon; to purchase dairy cows and hogs, and to purchase irrigating plant, all for the use of said hospital.

Also: Senate Bill No. 102—An Act to appropriate the sum of \$2,218.50 to pay the claim of William Fahey for moneys due and owing the said William Fahey from the State of California.

Also: Senate Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California.

Also: Senate Bill No. 162—An Act to appropriate the sum of \$9,000 for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway.

Also: Senate Bill No. 298—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402½, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Also: Senate Bill No. 366—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Also: Amended, and passed as amended, Senate Bill No. 445—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor—and requests your honorable body to concur in said amendments.

Also: Passed Senate Bill No. 521—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 36 thereof, relating to the powers and duties of Boards of Supervisors.

Also: Senate Bill No. 598—An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation.

Also: Senate Bill No. 637—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Also: Senate Bill No. 664—An Act to amend Section 2527 of the Political Code, relating to the powers of the State Harbor Commissioners.

Also: Passed (as a case of urgency) Senate Bill No. 927—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant Clerk.

Assembly Bill No. 549 ordered on file without reference to committee. Senate Bills Nos. 6, 73, 102, 131, 162, 298, 366, 521, 598, 637, 664, and 927 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 445?"

ASSEMBLY AMENDMENT.

Amend by striking out of section two, line one, first page, printed bill, the words "twenty thousand five," and in lieu thereof inserting the following: "twenty-five thousand."

The roll was called, and the Assembly amendment to Senate Bill No. 445 concurred in by the following vote:

AYES—Senators Belshaw, Bunkers, Corlett, Curtin, Devlin, Flint, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—24.
NOES—None.

Senate Bill No. 445 ordered to enrollment.

ALL ASSEMBLY BILLS TO BE ORDERED ON FILE WITHOUT REFERENCE TO COMMITTEE.

Senator Leavitt moved that all Assembly bills hereafter received from the Assembly be ordered on file without reference to committee.

Motion carried.

RESOLUTION—(OUT OF ORDER).

The following resolutions were offered:

By Senator Smith:

Resolved, That J. Cal Ewing, Bookkeeper to the Sergeant-at-Arms of the Senate, be instructed to deliver all warrants, vouchers, and papers, after the close of the session, to their proper owners, and also to make up a file of chapters and send same to each Senator.

Resolved, That he be allowed \$50.00 for above services, and the Controller is instructed to draw his warrant for the same, payable out of the Contingent Fund of the Senate, and the Treasurer is instructed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Corlett:

Resolved, That the Sergeant-at-Arms, and one Assistant Sergeant-at-Arms, and one Porter, who shall be allowed four days' pay for services rendered after the close of the session checking up and storing furniture of the Senate and performing other necessary work, and the Controller is hereby directed to draw his warrants for the same, payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

BILL RECALLED FROM COMMITTEE.

Senator Oneal moved that Assembly Bill No. 76—An Act to pay the claim of John W. Bird, and making an appropriation therefor—be recalled from committee and placed on file.

Motion carried.

Assembly Bill No. 76 recalled from committee and ordered on file.

RECESS.

At five o'clock and forty minutes P. M., on motion of Senator Wolfe, the acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M., the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

MOTION.

Senator Leavitt moved that the Senate proceed to consider Assembly Concurrent Resolution No. 16.

POINT OF ORDER.

Senator Wolfe made the point of order that the consideration of the special urgency file was the special order for this hour.

The President held the point of order well taken.

MOTION TO SUSPEND THE RULES.

Senator Leavitt moved that the rules be suspended.

At eight o'clock and fifty minutes P. M., Senator Smith moved that the Senate do now adjourn.

Motion lost.

Senator Selvage moved the previous question.

The question being, "Shall the main question be now put?"

Motion carried.

The question being on the motion to suspend the rules.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Devlin, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Rowell, Sanford, Selvage, Tyrrell of San Francisco, and Tyrrell of Nevada—18.

NOES—Senators Bunkers, Byrnes, Coggins, Corlett, Nelson, Oneal, Pendleton, Plunkett, Ralston, Savage, Shortridge, Smith, Ward, Williams, and Wolfe—15.

NOTICE OF MOTION TO RECONSIDER.

Senator Lukens gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 868 was this day passed, and moved that a request be sent to the Assembly to return the bill to the Senate.

The question being on the motion to request the Assembly to return the bill.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bauer, Belshaw, Diggs, Flint, French, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Rowell, Sanford, and Woodward—14.

NOES—Senators Bunkers, Byrnes, Corlett, Devlin, Hahn, Nelson, Oneal, Pendleton, Plunkett, Ralston, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—19.

Whereupon the President declared that the notice of motion to reconsider could not be recorded against the bill.

CONSIDERATION OF SPECIAL URGENCY FILE.

SENATE CONSTITUTIONAL AMENDMENT No. 20.

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending sections two and twenty-three of article four thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly, and by amending section four of article five, relating to declaring elections of Governor.

The Legislature of the State of California, at its regular session commencing on the fifth day of January, nineteen hundred and three, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby propose that sections two and twenty-three of article four of the Constitution of the State of California be amended so as to read as follows:

Section 2. The sessions of the Legislature shall commence at twelve o'clock M. on the first Monday after the first day of February next succeeding the election of its members, and after the election held in the year 1880 shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No pay shall be allowed to members for a longer time than eighty days. No bill shall be introduced, in either house, sixty days after the commencement of each session, without the consent of two thirds of the members thereof.

Section 23. The members of the Legislature shall receive for their services a per diem and mileage to be fixed by law and paid out of the public treasury; such per diem shall not exceed eight dollars, and such mileage shall not exceed ten cents per mile, and for contingent expenses not exceeding twenty-five (25) dollars for each session. Each member of the Legislature shall be entitled to the services of a private secretary, or clerk, of his own selection, at a per diem of four dollars. The Legislature may also provide for the employment of additional help; but in no case shall the expense for additional employes or attachés exceed the sum of three hundred (300) dollars per day, for either house, nor shall the pay of any attaché be increased after he is elected or appointed.

And also that section four of article five thereof be amended to read as follows:

Section 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 20 adopted by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Oneal, Pendleton, Plunkett, Ralston, Sanford, Savage, Selva, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—30.

NOES—None.

Constitutional amendment ordered transmitted to the Assembly.

TRANSPPOSITION OF BILLS ON FILE.

On motion of Senator Tyrrell of San Francisco, Senate Bill No. 795—An Act providing that in any city or city and county in this State where, by general law or by charter, the Board of Police Commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed—was transposed on file for Senate Bill No. 794—An

Act providing that, in any city, or city and county in this State where by general law or by charter the Board of Police Commissioners of such city, or city and county, is authorized and empowered upon a hearing to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction, shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

On motion of Senator Tyrrell of San Francisco, Senate Bill No. 795 passed on file, to retain place.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 30—An Act to provide for the appointment of "The Inspector of Mines," to define his duties and provide for his compensation, the liability of mining operators and of the inspector of mines.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion carried.

Time, ten o'clock and fifteen minutes P. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—34.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At ten o'clock and fifteen minutes P. M., Senators Lukens and Oneal were brought before the bar of the Senate, and, on motion of Senator Belshaw, were excused for being absent from the Senate chamber.

At ten o'clock and sixteen minutes P. M., Hon. Robert Corlett, State Senator from the Seventh Senatorial District, in the chair.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At ten o'clock and thirty minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Belshaw.

The roll of absentees was called.

Whereupon the acting President announced that Senate Bill No. 30 was refused passage by the following vote:

AYES—Senators Bunkers, Corlett, Curtin, Devlin, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Sanford, Tyrrell of Nevada, Welch, and Wolfe—16.

NOES—Senators Bauer, Belshaw, Byrnes, Coggins, Diggs, Flint, Leavitt, Oneal, Pendleton, Ralston, Rowell, Shortridge, Tyrrell of San Francisco, Ward, Williams, and Woodward—16.

NOTICE OF MOTION TO RECONSIDER.

Senator Bauer gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 30 was this day refused passage.

SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 455—An Act amending Section 739 of the Political Code, relating to officers and attachés of the Supreme Court and their salaries.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 455 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Corlett, Curtin, Devlin, Diggs, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 876—An Act to amend Section 186 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 186 thereof, relating to the compensation of officers of the twenty-ninth class.

During second reading of bill, the following amendment was offered:
By Senator Belshaw:

Amend title by adding after the words "officers of," in last line, the words "counties of."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

WITHDRAWAL AND SUBSTITUTION OF BILL.

Senator Tyrrell of San Francisco asked for and was granted unanimous consent to withdraw Senate Bill No. 795—An Act providing that in any city, or city and county, in this State where, by general law or by charter, the Board of Police Commissioners of such city, or city and county, are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable, and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such

rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed—and substitute therefor on file Assembly Bill No. 922.

Senate Bill No. 795 withdrawn and ordered stricken from the file, and Assembly Bill No. 922 substituted therefor on file.

Assembly Bill No. 922—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss, any police officer, or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and prescribe penalties for the violation of any such rules and regulations, all such rules and regulations must be reasonable, and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rules or regulations violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers, or members of such police department, and in connection with the rule or regulation to which the same is intended to apply, and providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proven and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Bill read second time, and ordered on file for third reading.

REPORT OF COMMITTEE OF CONFERENCE ADOPTED.

Senator Hubbell moved that the report of the Committee of Conference on Senate Bill No. 34, as printed in the Journal of yesterday, be adopted.

Motion carried.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 243—An Act to provide for the organization, management, and control of mutual fire insurance corporations.

Senate Bill No. 927—An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 12th day of March, 1903, at nine o'clock and fifty minutes p. m.

Also: I have examined and found the following bill correctly engrossed: Senate Bill No. 901—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 173 thereof.

HUBBELL, Chairman.

Senate Bill No. 901 ordered on file.

Also:

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Senate Bill No. 779—An Act to amend Section 168 of an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, and an amendment thereto, entitled 'An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901.

Senate Bill No. 616—An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations and to the increase or diminution of the capital stock of corporations and to the creation or increase of bonded indebtedness of corporations and to the creation or increase of a consolidated bonded indebtedness by two or more corporations.

Senate Bill No. 66—An Act to amend Section 103 of the Code of Civil Procedure, relating to Justices' Courts and Justices of the Peace.

Senate Bill No. 399—An Act making an additional appropriation for the uses and purposes set out in an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California and appropriating the sum of \$50,000 for the erection and furnishing of said residence and of all expenses connected therewith," which became a law under constitutional provision without the Governor's approval on March 7, 1899, and the several Acts amendatory of and supplemental thereto.

Senate Bill No. 389—An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith.

Senate Bill No. 26—An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor.

Committee Substitute for Senate Bills Nos. 261, 307, 317—An Act to amend and re-enact Sections 1912, 1913, 1915, 1918, 1928, 1970, 1973, 1974, 2009, 2022, 2031, 2076, 2082, 2094, and to repeal Sections 2003, as amended April 1, 1897, and 2003 duplicate as amended March 11, 1897, 2064, 2066, 2040, 2050, and 2099 of the Political Code, relating to the State militia, and to conform the State militia to the provisions of an Act of Congress approved January 21, 1903, entitled "An Act to promote the efficiency of the militia and for other purposes."

Senate Bill No. 305—An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 12th day of March, 1903, at eight o'clock and forty minutes p. m.

HUBBELL, Chairman.

ON JUDICIARY—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 530—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding to Chapter V, Title XIII, Part I thereof, a new section, numbered 496½, relating to the punishment of attempts to commit grand or petty larceny.

Also: Assembly Bill No. 727—An Act to add a new section to the Political Code, to be

numbered 3557, relating to the cancellation of taxes on lands resold by the State where a judgment has been entered annulling the certificate of purchase.

Also: Assembly Bill No. 922—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer, or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and prescribe penalties for the violation of any such rules and regulations, all such rules and regulations must be reasonable, and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rules or regulations violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers, or members of such police department, and in connection with the rule or regulation to which the same is intended to apply, and providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proven and competent evidence; also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Have had the same under consideration, and respectfully report the same back, and recommend that they do pass.

Also: Assembly Bill No. 188—An Act to amend Section 868 of the Code of Civil Procedure of the State of California, relating to service of writs of attachment issued out of Justices' Courts.

Also: Assembly Bill No. 210—An Act to amend Section 96 of the Civil Code of the State of California, relating to divorce.

Also: Assembly Bill No. 220—An Act to amend the Code of Civil Procedure of the State of California, by changing the numbers of Sections 1233 and 1234, respectively, to 1235 and 1236, and adding certain new sections to said Code, to be numbered consecutively 1233 and 1234, concerning the dissolution of private corporations.

Have had the same under consideration, and respectfully report the same back, without recommendation.

LUKENS, Chairman.

Assembly Bills Nos. 530, 727, 922, 188, 210, and 220 ordered on file.

CONSIDERATION OF SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 889—An Act to amend Section 170 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and the Acts amendatory thereof, relating to the compensation of county and township officers of counties of the thirteenth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 889 finally passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Devlin, Diggs, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Ward, Welch, Williams, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 563—An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children; to appropriate money therefor, and to authorize the expenditure of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 563 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Corlett, Devlin, Hahn, Knowland, Lardner, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 440—An Act regulating the business of abstracting, searching, and certifying to the public records of the several counties of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 440 refused passage by the following vote:

AYES—Senators Hahn, Hubbell, Knowland, Lukens, Oneal, Pendleton, Rowell, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—13.

NOES—Senators Bauer, Belshaw, Bunkers, Coggins, Devlin, Diggs, Flint, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Plunkett, Ralston, Sanford, Selva, Welch, Williams, and Woodward—19.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Devlin asked for and was granted unanimous consent to have Assembly Bill No. 345 taken up for immediate consideration.

Assembly Bill No. 345—An Act to amend Section 1768 of the Political Code of the State of California, relating to County Boards of Education.

Bill having been reconsidered March 11, 1903, and amended this day, and returned from printer.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 345 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Corlett, Devlin, Hahn, Lardner, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Leavitt asked for and was granted unanimous consent to have Assembly Bill No. 924 taken up for immediate consideration.

Assembly Bill No. 924—An Act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 924 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Smith asked for and was granted unanimous consent to have Assembly Bill No. 136 taken up for immediate consideration.

Assembly Bill No. 136—An Act to appropriate \$15,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles; to make necessary repairs and improvements in the building of said Normal School; to improve the grounds of said Normal School.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 136 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Corlett, Devlin, Diggs, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Assembly Bills Nos. 876 and 531 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Corlett, Devlin, Diggs, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—28.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 876—An Act to amend Section 186 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Read second time this day, title amended, and to print, and having been returned from printer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 876 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Corlett, Devlin, Diggs, Flint, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—31.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 531—An Act making an appropriation of \$5,000 to pay the claim of Frank H. Short for legal services rendered the State.

Read second time this day, amended and to print, and having been returned from printer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 531 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Corlett, Devlin, Diggs, Flint, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muenster, Nelson, Oneal, Pendleton, Raiston, Rowell, Sanford, Savage, Selvaige, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Flint, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bill No. 18.

Also: Passed Assembly Bill No. 921—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county is authorized and empowered, upon a hearing, to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts and all courts of competent jurisdiction shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

CLIO LLOYD, Chief Clerk,
By J. P. GREELEY, Assistant.

Assembly Bill No. 921 ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 598—An Act to add a new section to the Penal Code of the State of California, to be known as Section 650½, relating to willful and wrongful acts seriously injuring the person or property of another, seriously disturbing or endangering the public peace, outraging public decency; using another's name for accomplishing lewd or licentious purposes, whether accomplished or not, affecting or having a tendency to affect the moral character of the person whose name is used, and to personifying another or causing or procuring others to identify or give assurance that a person is some one else, for the accomplishment of lewd or licentious purposes, whether accomplished or not, and making such acts misdemeanors where no other punishment is expressly prescribed by the code.

Also: Senate Bill No. 323—An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Also: Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Also: Senate Bill No. 471—An Act to appropriate the sum of \$400 to pay the claim of John E. Tucker against the State of California upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Also: Passed (as cases of urgency) Assembly Bill No. 965—An Act making an appropriation to pay the claim of the County of San Benito for money expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children.

Also: Assembly Bill No. 870—An Act making an appropriation of \$10,000 for the purpose of erecting barracks, storehouses, and other buildings, and for the care and maintenance of the Camp of Instruction for the National Guard of California, established near the City of Santa Cruz, in the County of Santa Cruz, State of California.

Also: Assembly Bill No. 968—An Act to authorize and empower the Trustees of the "California Home for the Care and Training of Feeble-Minded" to transfer and quitclaim certain real property to the Trustees of the Town of Santa Clara.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bills Nos. 598, 965, 870, and 968 ordered on file without reference to committee.

Senate Bills Nos. 323, 520, and 471 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 800—An Act fixing a limit of time within which a purchaser at a delinquent tax sale shall apply for a tax deed.

Also: Senate Bill No. 613—An Act to appropriate the sum of \$432.03 to pay the claim of Ed Fanning for money due and owing to said Ed Fanning from the State of California.

Also: Senate Bill No. 582—An Act to appropriate the sum of \$10,000 for the purpose of equipping the attic of the State Capitol with automatic fire-sprinkler protection, and providing necessary water supplies for same.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 800 ordered on file without reference to committee.
Senate Bills Nos. 613 and 582 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 969—An Act to amend an Act entitled "An Act to establish a Penal Code," relative to prize-fighting.

Also: Assembly Bill No. 792—An Act to add a new section to the Penal Code of the State of California under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions.

Also: Assembly Bill No. 51—An Act to amend Section 55 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the officers of a county.

CLIO LLOYD, Chief Clerk.
By F. W. HEATHERLY, Assistant.

Assembly Bills Nos. 969, 792, and 51 ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 866—An Act to provide for the transfer from the Whittier State School, at Whittier, of the girls heretofore committed thereto under the laws of this State, and for their maintenance and care, as well as that of such other girls as shall be hereafter so committed under said law, and to establish, maintain, and locate in the County of Nevada, State of California, between the towns of Grass Valley and Nevada City, in said county, an institution for the discipline, education, employment, reformation, and protection of female juvenile delinquents, to be known as the "Nevada County State School," and to make an appropriation therefor.

Also: Assembly Bill No. 721—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Also: Senate Bill No. 327—An Act to provide for the erection and equipment of an oil-storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Also: Senate Bill No. 483—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Also: Adopted Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative

sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly, and by amending Section 4 of Article V, relating to declaring elections of Governor.

CLIO LLOYD, Chief Clerk.
By F. W. HEATHERLY, Assistant.

Assembly Bills Nos. 866 and 721 ordered on file without reference to committee.

Senate Bills Nos. 327 and 483, and Senate Constitutional Amendment No. 20 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 926—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Also: Assembly Bill No. 716—An Act to amend Section 1416 of the Civil Code, and to add one new section to the Civil Code, to be numbered 1422, relating to appropriation of water, and work to be done by the claimant.

Also: Assembly Bill No. 847—An Act to appropriate \$5,000 to be expended by the Regents of the University of California, through the Departments of Agriculture and Zoölogy, in making experiments leading to the destruction of ground squirrels, gophers, and jack-rabbits or hares.

CLIO LLOYD, Chief Clerk.
By F. W. HEATHERLY, Assistant.

Senate Bill No. 926 ordered to enrollment.

Assembly Bills Nos. 716 and 847 ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 392—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved, March 11, 1872, by amending Section 383 thereof, relating to the joinder of parties in civil actions.

Also: Assembly Bill No. 140—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor.

Also: Assembly Bill No. 851—An Act to amend Sections 619, 620, 621, 638, 639, 640, and 641 of the Penal Code, all relating to telegraphic and telephonic messages.

Also: Assembly Bill No. 961—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by County Boards of Education.

Also: Assembly Bill No. 762—An Act to amend the Civil Code of the State of California, by amending Section 1415 thereof, relating to the appropriation and the notice of appropriation of water.

Also: Committee Substitute for Senate Bill No. 47—An Act to provide for the establishment and operation of a State dairy school and experiment farm, the construction of a building for said school, to provide for the appointment of a commission to select a site for the location thereof, and appropriating money therefor.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Senate Bills Nos. 392 and 47 ordered to enrollment.

Assembly Bills Nos. 140, 851, 961, and 762 ordered on file without reference to committee.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Lardner asked for and was granted unanimous consent to have Assembly Bill No. 429 taken up for immediate consideration.

Assembly Bill No. 429—An Act creating the office of State Entomologist, prescribing his duties, and fixing his salary, bond, and term of office, providing for assistants, and appropriating money for the purposes of entomological research, and providing means for the payment of the same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 429 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Corlett, Devlin, Diggs, Flint, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Plunkett, Ralston, Rowell, Selvage, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Devlin asked for and was granted unanimous consent to have Assembly Bill No. 85 taken up for immediate consideration.

Assembly Bill No. 85—An Act to appropriate \$8,875 to pay the claim of the San Francisco Law and Collection Company against the State of California upon a judgment recovered in an action entitled "San Francisco Law and Collection Company vs. The State of California," numbered 9356 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 85 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Devlin, Diggs, Knowland, Lardner, Luchsinger, Lukens, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—23.

NOES—Senators Bauer, Leavitt, and Wolfe—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Luchsinger asked for and was granted unanimous consent to have Assembly Bill No. 203 taken up for immediate consideration.

Assembly Bill No. 203—An Act authorizing the Regents of the State University to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the Controller and Treasurer in relation thereto.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 203 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Corlett, Devlin, Diggs, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Rowell, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, Wolfe, and Woodward—25.

NOES—Senator Bunkers—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senator Lukens asked for and was granted unanimous consent to have Senate Constitutional Amendment No. 2 taken up for immediate consideration.

Senate Constitutional Amendment No. 2—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing courts of appeal.

Constitutional amendment read.

The question being on the adoption of the Senate constitutional amendment.

The roll was called, and Senate Constitutional Amendment No. 2 refused adoption by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Devlin, Diggs, Flint, Hubbell, Knowland, Lardner, Leavitt, Pendleton, Tyrrell of San Francisco, Ward, and Woodward—14.

NOES—Senators Bunkers, Corlett, Luchsinger, Oneal, Plunkett, Ralston, Rowell, Savage, Shortridge, Tyrrell of Nevada, Welch, Williams, and Wolfe—13.

NOTICE OF MOTION TO RECONSIDER.

Senator Lukens gave notice that on next legislative day he would move a reconsideration of the vote whereby Senate Constitutional Amendment No. 2 was this day refused adoption.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Oneal:

Resolved, That Assembly Bill No. 901 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hubbell, Knowland, Lardner, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—29.

NOES—None.

At eleven o'clock and thirty minutes p. m., Hon. J. B. Curtin, State Senator from the Twelfth Senatorial District, in the chair.

CASE OF URGENCY.

Assembly Bill No. 901—An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses.

Bill read second time this day, amended, and to print, and having been returned from printer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 901 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Corlett, Curtin, Devlin, Diggs, Hubbell, Knowland, Leavitt, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Savage, Smith, Tyrrell of San Francisco, Williams, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Wolfe:

Resolved, That each Senator be and he is hereby permitted and requested to furnish the Secretary of the Senate with the number of a Senate or Assembly bill which he desires to have made a case of urgency and read the same three times on one day.

Resolved further, That the Secretary propose a case of urgency resolution embodying all such bills for adoption by this body.

Resolved further, That the consideration of all such urgency bills be considered immediately.

Resolved further, That the said urgency file shall be considered, by calling the names and bills of the Senators from the last name on the roll call, and continuing backwards on the roll, until such time as the first name on the roll call has been reached.

Senator Devlin moved to amend as follows:

Said bills to be considered after all Assembly bills now on their third reading have been disposed of.

Amendment lost.

Resolution by Senator Wolfe read and adopted.

RESOLUTION—(OUT OF ORDER).

The following resolution was prepared by the Secretary:

Resolved, That Assembly Bill No. 195, Assembly Bill No. 792, Assembly Bill No. 415, Assembly Bill No. 721, Assembly Bill No. 524, Assembly Constitutional Amendment No. 24, Assembly Bill No. 623, Assembly Bill No. 825, Assembly Bill No. 955, Senate Bill No. 922, Assembly Bill No. 764, Assembly Bill No. 940, Senate Bill No. 477, Senate Bill No. 368, Assembly Bill No. 716, Senate Bill No. 907, Assembly Bill No. 473, Assembly Bill No. 926, Assembly Bill No. 72, Assembly Bill No. 523, Senate Concurrent Resolution No. 18, Assembly Bill No. 288, Assembly Bill No. 864, Assembly Bill No. 704, Assembly Bill No. 547, Senate Bill No. 549, Assembly Bill No. 167, Assembly Bill No. 794, Assembly Bill No. 919, Assembly Bill No. 921, Assembly Bill No. 369, Assembly Bill No. 605, Senate Bill No. 479, Assembly Bill No. 886, Assembly Bill No. 975, Senate Bill No. 524, Assembly Bill No. 661, Assembly Bill No. 29, Assembly Bill No. 604, Assembly Bill No. 76, present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hubbell, Knowland, Lardner, Leavitt, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—31.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 975—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by amending Section 465, relating to the powers of railroad corporations.

Bill read second time.

Read third time.

Senator Devlin moved to refer to Senator Welch, as a special committee of one, to amend as follows:

Amend by striking out all commencing with the word "and," in line eighty-one down to and including all of line eighty-seven.

Motion lost.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 975 finally passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Sanford, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—22.

NOES—Senators Bauer, Devlin, Diggs, and Savage—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 886—An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of a seawall and appurtenances in the City and County of San Francisco, to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 886 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 479—An Act relating to the appointment of registration clerks by the County Clerks, and the term for which said registration clerk shall hold office, also prescribing the powers and duties of said registration clerk.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 479 passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Corlett, Hubbell, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Woodward—24.

NOES—Senators Curtin, Devlin, and Diggs—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 605—An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 605 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, Williams, and Wolfe—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 369—An Act to prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses where intoxicating liquors are sold.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 369 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, and Tyrrell of Nevada—22.

NOES—Senators Leavitt and Wolfe—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 921—An Act providing that in any city, or city and county, in this State, where by general law or by charter the Board of Police Commissioners of such city, or city and county, is authorized and empowered, upon a hearing, to revoke permits or licenses for the sale of liquor in less quantity than one quart, or to revoke permits or licenses to any person engaged in the business of selling liquor to be drunk on the premises, when it shall appear to such board that the business of such person is conducted in a disorderly or improper manner, such hearing shall be full, fair, and impartial, and providing certain procedure for such hearing, and providing that Superior Courts, and all courts of competent jurisdiction, shall have power to inquire into the question of the regularity of such hearing, review the evidence given thereon, and make orders and render judgments in relation thereto, and repealing all Acts and parts of Acts in conflict herewith.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 921 finally passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Wolfe—24.

NOES—Senator Devlin—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 794—An Act to provide for the payment to George A. Stone of the funeral expenses of the late Adjutant-General W. H. Seamans, and making an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 794 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 721—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses for the prevention of the overflow thereof, by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 721 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Corlett, Curtin, Diggs, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Ralston, Sanford, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 167—An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the admission to practice of attorneys and counselors at law in the courts of the State of California.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 167 finally passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Devlin, Diggs, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Wolfe—26.
NOES—Senator Bunkers—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 549—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 549 passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Diggs, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Oneal, Pendleton, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 547—An Act to provide for the establishment and maintenance of an industrial institute and college for girls, and to provide an appropriation therefor.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 547 finally passed by the following vote:

AYES—Senators Belshaw, Coggins, Curtin, Devlin, Diggs, Knowland, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Ralston, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Wolfe—21.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Ward gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 547 was this day passed.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 704—An Act to provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands, and to provide for the acquisition or construction thereby of works for the drainage of the lands embraced within such districts.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 704 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, and Tyrrell of Nevada—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 864—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 192 thereof, relating to the compensation of officers of counties of the thirty-fifth class.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 864 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Curtin, Devlin, Diggs, Flint, Hubbell, Knowland, Lardner, Leavitt, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 919—An Act to amend an Act entitled "An Act authorizing the common council, board of trustees, or other governing body of any incorporated city or town, other than cities of the first class, to issue bonds therefor, and to provide for the payment of the same," approved March 9, 1897.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 919 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 29—An Act to provide for the covering or fencing of abandoned mining shafts, pits, or excavations, the penalty, and also the penalty for removing or destroying the covering or fencing from same.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 29 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Ralston, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 288 finally passed by the following vote:

AYES—Senators Bunkers, Byrnes, Corlett, Curtin, Devlin, Diggs, Flint, Hubbell, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Shortridge, Smith, Welch, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Ward gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 288 was this day passed.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 661—An Act to add a new section to the Code of Civil Procedure, regarding the giving of bonds and undertakings in civil actions, to be known as Section 1030.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 661 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Diggs, Hubbell, Knowland, Lardner, Leavitt, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—23.

NOES—Senator Curtin—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

SENATE CONCURRENT RESOLUTION No. 18.

Relative to the consent of the Legislature to absence from the State of State Printer W. W. Shannon for a period not to exceed ninety days at any one period.

Resolved by the Senate, the Assembly concurring. That the Legislature of the State of California has consented, and does hereby consent, that State Printer W. W. Shannon may depart from the State of California at any time during the remainder of his official

term as State Printer, and remain absent from the State of California for a period of not more than ninety (90) days at any one time, during any one year of his said term of office.

Concurrent resolution read.

The question being on the adoption of the same.

The roll was called, and Senate Concurrent Resolution No. 18 adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Plunkett, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Wolfe—25.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

Assembly Bill No. 523—An Act to regulate the use of illuminating gas.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 523 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Hubbell, Lardner, Leavitt, Luchsinger, Oneal, Plunkett, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—21.

NOES—Senator Knowland—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 969—An Act to amend an Act entitled "An Act to establish a Penal Code," relative to prize-fighting.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 969 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Wolfe—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 72—An Act to limit the meaning of the word "conspiracy," and also the use of "restraining orders" and "injunctions," as applied to disputes between employers and employes, in the State of California.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 72 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 26—An Act to amend Section 1596 of an Act

entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to elections for school trustees.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 26 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 473—An Act to appropriate \$355 to pay the claim of James French against the State of California, upon a judgment recovered in an action entitled "James French vs. The State of California," which said judgment was rendered December 1, 1902, and recorded on said date in Judgment Book "I," at page 570, in the Superior Court of the County of Placer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 473 finally passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Devlin, Diggs, Knowland, Lardner, Leavitt, Nelson, Oneal, Plunkett, Ralston, Rowell, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Williams—21.

NOES—Senator Wolfe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 907—An Act to appropriate money for the purchase of a silver service for the cruiser "California."

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 907 passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Ralston, Rowell, Selvage, Shortridge, Smith, Ward, Welch, Williams, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 716—An Act to amend Section 1416 of the Civil Code and to add one new section to the Civil Code, to be numbered 1422, relating to appropriation of water and work to be done by the claimant.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 716 finally passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Devlin, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Oneal, Plunkett, Ralston, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 477—An Act to amend Section 55 of the County Government Act, approved April 1, 1897, relating to the number of county officers and the consolidation of county offices.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 477 passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Devlin, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Plunkett, Ralston, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Welch, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 604—An Act to amend Section 1791 of the Political Code of the State of California, relating to city and city and county boards of examination.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 604 finally passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hubbell, Lardner, Leavitt, Nelson, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 940—An Act to amend Section 182 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 940 finally passed by the following vote:

AYES—Senators Belshaw, Coggins, Curtin, Devlin, Diggs, Flint, Hubbell, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Ward, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 764—An Act to amend the Code of Civil Procedure of California by adding a new section thereto, to be known as Section 1514, relating to the closing of estates of decedents when allowed and approved claims are unpaid and the claimant cannot be found, declaring when such claims shall escheat to the State, and defining the duties of the County Treasurer, State Controller, and State Treasurer in relation thereto.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 764 finally passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Devlin, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Rowell, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 922—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 922 passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Devlin, Diggs, Knowland, Lardner, Leavitt, Oneal, Pendleton, Plunkett, Ralston, Rowell, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Wolfe, and Woodward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 76—An Act to pay the claim of John W. Bird, and making an appropriation therefor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 76 refused passage by the following vote:

AYES—Senators Bunkers, Devlin, Hubbell, Leavitt, Pendleton, Plunkett, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, and Williams—13.
NOES—Senators Belshaw, Coggins, Corlett, Curtin, Diggs, Flint, Knowland, Lardner, Luchsinger, Nelson, Oneal, Rowell, Savage, Ward, Wolfe, and Woodward—16.

NOTICE OF MOTION TO RECONSIDER.

Senator Oneal gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 76 was this day refused passage.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 955—An Act to amend Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 955 finally passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Devlin, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Oneal, Pendleton, Plunkett, Ralston, Rowell, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Welch gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 477 was this day passed.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 825—An Act to amend Section 1577 of the Political Code of California, relating to the formation of new school districts.
Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 825 finally passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 623—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 4166, relating to the furnishing by Boards of Supervisors, rooms, light, and fuel for Justices of the Peace in townships of five thousand inhabitants or over.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 623 finally passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Ralston, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 524—An Act to amend an Act entitled "An Act in relation to municipal elections where the same are held separate from general State elections, and elections held under authority of Section 8 of Article XI of the Constitution, to elect boards of freeholders, or to vote upon proposed charters or upon amendments to existing charters, and to repeal an Act entitled an Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution, approved March 31, 1897," approved March 4, 1899, by amending Sections 5, 7, and 8 thereof.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 524 passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Devlin, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Oneal, Plunkett, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 415—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by omitting from subdivision twenty-one of said Section 25 the provision forbidding the purchase of supplies, printing, stationery, or books from persons, or firms whose paper has not been published, or whose place of business established, in the county for one or more years prior to the time for fixing prices, and adding a provision in place of the part omitted that no supplies of printed, or lithographed, or partly printed stationery, or blanks, or blank books, printed or partly printed, or partly lithographed, shall be procured or purchased, unless such articles have been printed and bound or lithographed or will be printed and bound or lithographed and manufactured in the State of California; all job printing and lithographing and advertising under this section shall be done in the State of California.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 415 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 792—An Act to add a new section to the Penal Code of the State of California under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 792 finally passed by the following vote:

AYES—Senators Corlett, Curtin, Diggs, Hubbell, Knowland, Lardner, Leavitt, Oneal, Plunkett, Ralston, Rowell, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

NOTICE OF MOTION TO RECONSIDER.

Senator Leavitt gave notice that on next legislative day he would move a reconsideration of the vote whereby Assembly Bill No. 792 was this day passed.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 195—An Act to amend the Political Code by adding a new section thereto, to be numbered 3658a, relating to official maps, the making and adoption and preservation thereof, and the description of property as delineated thereon for the purposes of assessment and transfer.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 195 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Hubbell, Knowland, Lardner, Leavitt, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolution was offered:

By Senator Shortridge:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to compile, prepare, and have printed a final calendar of the legislative business of the thirty-fifth session, embracing a history of all bills introduced, their authors, the number that have become laws, those that have been read the second readings, and all other information that will create a perfect guide and history of the session's business. Together with this shall be the expenses of the Senate and Assembly, and of printing, such information being prepared not only for the public, but as a guide for the thirty-sixth session of the Legislature. For the purpose of carrying out this work, the Controller is hereby directed to draw his warrant for the sum of \$550 in favor of F. J. Brandon, \$50 of which is to pay the postage and expenses in forwarding copies to each member of the Legislature, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Tyrrell of San Francisco:

Resolved, That the Controller is hereby directed to draw his warrants, and the Treasurer to pay the same out of the Contingent Fund of the Senate, in the amounts of \$50 each to D. G. Holt, Minute Clerk, John Carew and Seren N. Marsh, Assistant Minute Clerks, for their services for remaining after final adjournment for properly pasting together, arranging and labeling the original minutes which, according to law, must be properly signed and delivered to the Secretary of State, receipt being obtained and given therefor; and be it further

Resolved, That the State Printer is hereby directed to deliver the minutes of the last day of the session to the Minute Clerk within two weeks.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Nelson:

Resolved, That the Controller of the State be and he is hereby ordered to draw his warrant in favor of James P. Tryce, for the sum of ten (\$10.00) dollars, against the Contingent Fund of the Senate, for work done and performed as Assistant Sergeant-at-Arms on January 5th and 6th, 1903, and the Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Smith asked for and was granted unanimous consent to have Assembly Bill No. 142 taken up for immediate consideration.

Assembly Bill No. 142—An Act making an appropriation to pay the judgment of \$465 obtained in the Superior Court of the State of California in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, vs. The State of California, defendant.

CASES OF URGENCY—(RESUMED).

Assembly Bill No. 368—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Louisiana Purchase Exposition, to be held in St. Louis in 1904, and to provide for commissioners thereof.

During second reading of bill, the following amendments were offered:

By Senator Smith:

Amend the title by striking out the words "the Louisiana Purchase Exposition to be held in St. Louis, in nineteen hundred and four and."

Amendment adopted.

Also:

Amend by striking out of section one, lines two and three, page one, the words "the Louisiana Purchase Exposition Fair Commissioners and."

Amendment adopted.

Also:

Amend by striking out of section one, pages one and two, all of lines ten, eleven, twelve, and thirteen, and the words "at the" in line fourteen.

Amendment adopted.

Also:

Amend by striking out of section three, line one, page two, the words "one hundred," and in lieu thereof insert the word "twenty."

Amendment adopted.

Also:

Amend by striking out of section three, lines six and seven, page two, the words and figures "at the Louisiana Purchase Exposition to be held in St. Louis, in the State of Missouri, in 1904, and."

Amendment adopted.

Also:

Amend by striking out of section three, line eleven, page two, the words "the one hundred," and in lieu thereof insert the word "twenty."

Amendment adopted.

Also:

Amend by striking out of section six, line two, the words "its passage," and in lieu thereof insert the following: "July 1st, 1904."

Amendment adopted.

Bill read second time, and ordered to print and third reading.

ADJOURNMENT.

At eleven o'clock and fifty-eight minutes P. M., on motion of Senator Leavitt, the acting President declared the Senate adjourned until eleven o'clock A. M. of Friday, March 13, 1903.

IN SENATE.

SENATE CHAMBER,
Friday, March 13, 1903. }

Pursuant to adjournment, the Senate met at eleven o'clock A. M.
Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names :

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Corlett, Curtin, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—31.

Quorum present.

PRAYER.

Prayer by the Chaplain, Rev. C. L. Miel.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, March 12, 1903, the further reading was dispensed with, on motion of Senator Corlett.

MOTION TO RECONSIDER.

In compliance with his notice given on yesterday, Senator Savage moved that the vote whereby Senate Bill No. 365—An Act to amend Sections 1 and 11 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," which Act became a law under constitutional provision, without Governor's approval, February 27, 1901—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote :

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Corlett, Curtin, Diggs, French, Hubbell, Lardner, Luchsinger, Nelson, Ralston, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, and Wolfe—22.

NOES—Senators Knowland, Leavitt, Lukens, Rowell, and Ward—5.

Senate Bill No. 365—An Act to amend Sections 1 and 11 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a board of medical examiners in the matter of said regulation," which Act became a law under constitutional provision, without Governor's approval, February 27, 1901.

The vote whereby Senate Bill No. 365 was refused passage having been reconsidered.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Savage moved a call of the Senate.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bunkers, Byrnes, French, Lukens, Nelson, Ralston, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, Wolfe, and Woodward—16.

NOES—Senators Bauer, Belshaw, Caldwell, Diggs, Flint, Knowland, Lardner, Leavitt, Muentner, Rowell, and Ward—11.

Time, eleven o'clock and thirty minutes A. M.

The President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—35.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

At eleven o'clock and thirty-five minutes A. M., Senator Devlin was brought before the bar of the Senate and, on motion of Senator Savage, was excused for being absent from the Senate chamber.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At eleven o'clock and forty minutes A. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Bauer.

The roll of absentees was called.

Whereupon the President announced Senate Bill No. 365 refused passage by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Curtin, French, Hahn, Luchsinger, Nelson, Plunkett, Ralston, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, and Wolfe—20.

NOES—Senators Belshaw, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Knowland, Lardner, Leavitt, Lukens, Muentner, Oneal, Rowell, Ward, and Woodward—16.

MOTION TO RECONSIDER.

In compliance with the notice given on a previous day, Senator Leavitt moved that the vote whereby Senate Bill No. 896—An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners—was passed, be now reconsidered.

Senator Belshaw moved the previous question.

The question being, "Shall the main question be now put?"

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Wolfe moved a call of the Senate.

Motion seconded.

The question being on the motion for a call of the Senate.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bunkers, Byrnes, Nelson, Oneal, Pendleton, Plunkett, Ralston, Savage, Shortridge, Smith, Tyrrell of Nevada, Williams, and Wolfe—13.

NOES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Ward, Welch, and Woodward—24.

The roll of absentees was called.

Whereupon the President announced the motion carried by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Ward, Welch, and Woodward—24.

NOES—Senators Bunkers, Byrnes, Nelson, Oneal, Pendleton, Plunkett, Ralston, Savage, Shortridge, Smith, Tyrrell of Nevada, Williams, and Wolfe—13.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bunkers, Byrnes, Oneal, Savage, Williams, and Wolfe—6.

NOES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Ward, Welch, and Woodward—24.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Lukens moved that the vote whereby Senate Bill No. 780—An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1880,' approved March 19, 1889, conferring further powers upon the said board, approved March 26, 1895," approved March 23, 1901, conferring further powers on said board of commissioners—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Bunkers, Byrnes, Oneal, Plunkett, Ralston, Savage, Williams, and Wolfe—8.

NOES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Hubbell, Luchsinger, Lukens, Pendleton, Plunkett, Ralston, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Woodward—25.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Welch moved that the vote whereby Senate Bill No. 477—An Act to amend Section 55 of the County Government Act, approved April 1, 1897, relating to the number of county officers and the consolidation of county offices—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senator Knowland—1.

NOES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Hubbell, Luchsinger, Lukens, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, and Welch—22.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Hahn moved that the vote whereby Senate Constitutional Amendment No. 2—

To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary and establishing courts of appeal—was refused adoption, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Pendleton, Sanford, Savage, Tyrrell of San Francisco, Ward, and Woodward—22.

NOES—Senators Bunkers, Plunkett, Shortridge, Williams, and Wolfe—5.

SPECIAL ORDER SET.

On motion of Senator Lukens, the consideration of Senate Constitutional Amendment No. 2 was made a special order for two o'clock and thirty minutes P. M. of this day.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Ward moved that the vote whereby Senate Bill No. 547—An Act to provide for the establishment and maintenance of an industrial institute and college for girls, and to provide an appropriation therefor—was passed, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Devlin, Rowell, and Wolfe—3.

NOES—Senators Belshaw, Bunkers, Caldwell, Corlett, Diggs, Flint, French, Hahn, Knowland, Leavitt, Muentner, Oneal, Pendleton, Plunkett, Sanford, Selva, Shortridge, Smith, Tyrrell of Nevada, Ward, and Williams—21.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Ward moved that the vote whereby Senate Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education—was passed, be now reconsidered.

The motion was duly seconded.

Senator Oneal moved that further consideration of the motion to reconsider the vote whereby Senate Bill No. 288 was passed, be postponed until immediately following the special order already set for two o'clock and thirty minutes P. M. of this day.

Motion carried.

At eleven o'clock and twenty-four minutes A. M., Senator Leavitt moved that the time of recess be extended until one o'clock P. M.

Motion lost.

RECESS.

The hour of recess having arrived, the President declared the Senate at recess until two o'clock P. M. of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

APPROVAL OF JOURNAL.

The Journal of Wednesday, March 11, 1903, having been corrected, was read and approved.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 345—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California and Oregon Railroad near the mouth of Slate Creek, in Shasta County, thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth, thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Senate Bill No. 345 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bills Nos. 345, 531, 924, and 889.

Also: Passed Assembly Bill No. 791—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and providing for the publication of a fair statement of all the proceedings of the board.

Also: Amended, and passed as amended, Senate Bill No. 129—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

Also: Senate Bill No. 385—An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Also: Senate Bill No. 534—An Act to repeal Section 1718 of the Code of Civil Procedure, relating to the appointment of attorneys in proceedings for the settlement of estates of deceased persons.

Also: Senate Bill No. 660—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

Also: Senate Bill No. 670—An Act to provide for the control of the flood waters of the Sacramento River, to improve its channel for the purposes of navigation, and to drain its flood areas.

Also: Committee Substitute for Senate Bills Nos. 638, 881, and 643, and Assembly Bill No. 586—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,'" and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 791 ordered on file without reference to committee.

Senate Bills Nos. 385, 534, 660, 670, and Senate Committee Substitute for Senate Bills Nos. 638, 881, 643, and Assembly Bill No. 586 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 129?"

ASSEMBLY AMENDMENT.

Amend by striking out the word "immediately," in line one, section three, first page, printed bill, and inserting in lieu thereof the following: "January first, 1906."

The roll was called, and the Assembly amendment to Senate Bill No. 129 concurred in by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Flint, French, Greenwell, Hahn, Knowland, Lardner, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Savage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—27.

NOES—None.

Senate Bill No. 129 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bills Nos. 901, 876, and 919.

Also: Passed (as a case of urgency) Senate Bill No. 924—An Act making an appropriation for the support of the government of the State of California for the fifty-fifth and fifty-sixth fiscal years.

Also: Passed (as a case of urgency) Senate Bill No. 574—An Act to amend an Act entitled "An Act to regulate the practice of architecture, approved March 23, 1901," adding a new section thereto to be numbered Section 7, relating to an annual license fee.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Senate Bills Nos. 924 and 574 ordered to enrollment.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 12, 1903. }

To the Senate of the State of California :

I have the honor to inform your honorable body that I have approved Senate Bill No. 315—An Act making an appropriation of \$700 to provide for postage, expressage, and contingent expenses for the Governor's office.

Also: Senate Bill No. 912—An Act making an appropriation to pay the contingent expenses of the Senate.

Also: Senate Bill No. 207—An Act to pay the claim of J. E. Atkinson.

GEO. C. PARDEE,
Governor of the State of California.

RESOLUTIONS.

The following resolutions were offered:

By Senator Smith:

Pursuant to Senate Concurrent Resolution No. 6, authorizing the President of the Senate to appoint a committee to meet the President of the United States at the State line of the State of California, and inasmuch as this is a very small committee, it is desirable that there should be a full representation; therefore, be it

Resolved, That when the President of the Senate appoints this committee, he shall for each principal appoint one alternate, and it is hereby made the duty of the principal, if he finds that he cannot be in attendance upon that reception, that he shall notify his alternate at least five days prior to the date of the President's arrival at the State line. The alternate shall then attend and have all the rights of the principal.

Resolution read and adopted.

By Senator Belshaw:

WHEREAS, The Senate has just learned the sad news of the death of the wife of Hon. Robert N. Bulla, a former member of this Senate; therefore, be it

Resolved, That the Senate hereby tender to the Hon. Robert N. Bulla its heartfelt sympathy in his sad bereavement; and be it further

Resolved, That the Secretary of the Senate be and he is hereby instructed to telegraph to Hon. Robert N. Bulla the condolence of this Senate.

Resolution read, and unanimously adopted by rising vote.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Pendleton asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 16 taken up for immediate consideration.

Assembly Concurrent Resolution No. 16—Relative to files of the Senate and Assembly during the closing days of the legislative session.

During the reading of the concurrent resolution, the following substitute was submitted by Committee on Rules:

SENATE COMMITTEE SUBSTITUTE FOR ASSEMBLY CONCURRENT RESOLUTION No. 16.

Resolved by the Senate, the Assembly concurring, That the following special joint rule be adopted:

SPECIAL JOINT RULE No. 1.

After three P. M. March 13, 1903, no Assembly bills shall be passed by the Assembly except Assembly bills in conference, and no Senate bills shall be passed by the Senate except Senate bills in conference. This special joint rule shall not apply to the tax levy bill, or bills that have been delayed by notice of reconsideration.

That no business affecting bills be transacted by either house after twelve o'clock midnight of Friday, March 13, 1903, and that both houses adjourn at midnight of Friday, March 13, 1903, until 9:30 A. M. Saturday, March 14, 1903; *provided also*, that the Assembly may consider amendments made in the Senate to Assembly bills, and that the Senate may consider amendments made in the Assembly to Senate bills.

Substitute read and adopted.

The question being on the adoption of the concurrent resolution.

The roll was called, and the Senate Committee Substitute for Assembly Concurrent Resolution No. 16 adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Corlett, Devlin, Diggs, Flint, Greenwell, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, Wolfe, and Woodward—27.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

RESOLUTIONS.

The following resolutions were offered:

By Senator Lardner:

Resolved, That Charles Tuttle, a Bill Clerk of this Senate, and E. D. Holley, Assistant Sergeant-at-Arms, be employed for a period not exceeding four days, or such less time as may be necessary, after the adjournment of the thirty-fifth session of the Legislature, at a per diem of \$4, payable out of the Contingent Fund of the Senate, to perform such labor as the Sergeant-at-Arms may direct; and the Controller is hereby authorized to draw his warrant for the amount, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Ralston:

WHEREAS, According to Senate Concurrent Resolution No. 6, the President of the Senate is named as one of the committee of the Legislature to receive the President of the United States on his visit to California; and

WHEREAS, The President of the Senate will be absent from the State at that time; therefore, be it

Resolved, That the President of the Senate be and he is hereby authorized and empowered to name a member of the Senate to represent him on said committee.

Resolution read and adopted.

By Senator Hubbell:

Resolved, That W. R. Porter, Engrossing and Enrolling Clerk of the Senate, be and he is hereby employed, after the adjournment of the thirty-fifth session of the Legislature of the State of California, for the purpose of completing the work devolving upon him as such Engrossing and Enrolling Clerk, the work to be done under the supervision, and

to the satisfaction of the Secretary of the Senate, and on the completion of such work, and the delivery of the books and papers appertaining to said office of Engrossing and Enrolling Clerk, so completed, to the Secretary of the Senate, said Secretary shall certify said fact to the Controller, who shall thereupon draw his warrant on the Contingent Fund of the Senate in favor of said W. R. Porter, for the sum of \$50, and the State Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Oneal:

Resolved, That Wm. F. James be and he is hereby employed for the week next immediately succeeding the adjournment of the present session of the Legislature, as Assistant Journal Clerk of the Senate, at the per diem compensation now received by him; and the Controller of State is hereby directed to draw his warrant in favor of said Wm. F. James for the amount of said compensation, and the Treasurer of State is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Ward:

Resolved, That Clark Alberti, Assistant Secretary of the Senate, is hereby employed and authorized to assist the Secretary of the Senate in compiling and preparing the final calendar of the legislative business of the thirty-fifth session of the Legislature. For said services the Controller of State is hereby authorized and directed to draw his warrant in favor of said Clark Alberti in the sum of fifty dollars, payable out of the Contingent Fund of the Senate, and the Treasurer of State is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Wolfe:

Resolved, That Bruce Huggins, Chas. Tuttle, E. D. Holley, and W. Lanktree be and they are hereby employed as Bill Clerks for four days after the adjournment of the thirty-fifth session of the Legislature, at the same per diem now received by them for the same services, payable out of the Contingent Fund of the Senate, and the Controller is hereby authorized to draw his warrant for the said amounts, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

Also:

Resolved, That P. Krepper be and he is hereby allowed the sum of \$60 for services rendered as Committee Clerk during the session, and the Controller is authorized to draw his warrant for said amount, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Knowland:

Resolved, That J. F. Hansen, Mailing Clerk of the Senate, be and he is hereby employed after the final adjournment of this session of the Legislature for the purpose of mailing throughout the State, as ordered by the Senate resolution adopted, all legislative matter that has not already been sent, and the Controller is hereby authorized to draw his warrant on the State Treasurer in favor of said J. F. Hansen for the amount of \$28, and the Treasurer is directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following bills:

John Breuner Co.	\$20 20
A. J. Wilson	2 50
Sergeant-at-Arms (hack hire)	2 00
	<hr/>
	\$24 70

Have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate, for the sum of twenty-four and seventy one-hundredths (\$24.70) dollars, in payment of the bills hereto attached; and the Treasurer is hereby directed to pay the same.

Also: To whom was referred the following:

SENATE CHAMBER, SACRAMENTO, March 10, 1903.

Your Committee on Finance beg leave to report that in the matter of the investigation of the California State Agricultural Society they have incurred expense as follows: Knight & McLaren, expert accountants, in the sum of \$120.90, as per bill attached; also to B. C. Brier, for telegraphing, \$2.75, as per bill attached, and your committee recommend the adoption of the following resolution:

Resolved, That a warrant be drawn in favor of R. T. Devlin, chairman of your committee, for the sum of \$123.65 for the payment of the following bills:

Knight & McLaren	\$120 90
B. C. Brier	2 75

Payable out of the Contingent Fund of the Senate for the thirty-fifth session.

Respectfully submitted.

DEVLIN, Chairman.

Have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

Also: To whom was referred the following bills:

D. Johnston & Co.	\$0 70
Remington Typewriter Company	2 50
Sunset Telephone and Telegraph Company	6 00
	\$9 20

Have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of the Secretary of the Senate, for the sum of nine and twenty hundredths dollars (\$9.20), in payment of the bills hereto attached; and the Treasurer is directed to pay the same.

FLINT, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Corlett, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—30.

NOES—None.

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 507—An Act to provide for the licensing and inspecting of maternity hospitals, lying-in asylums, and homes for children; defining the duties of persons conducting the same; and the duties and powers of the county boards of health or county health officers and other health officers in relation thereto, and providing a penalty for the violation of its provisions.

Senate Bill No. 230—An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of Judges.

Senate Bill No. 273—An Act for the relief of Charles D. Douglas.

Senate Bill No. 674—An Act to promote the drainage of wet, swamp and overflowed lands, and to promote the public health in the communities in which they lie.

Senate Bill No. 661—An Act appropriating \$5,000 to erect a warehouse for the storage of jute at the State Prison at San Quentin, California.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 13th day of March, 1903, at twelve o'clock and forty minutes P. M.

HUBBELL, Chairman.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 12, 1903.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Assembly Bill No. 175—An Act requiring operators of electric street railroads, to provide passenger cars with fronts of glass or other material, and providing a penalty for the violation

of its provisions—have had the same under consideration, and respectfully report the same back, and recommend that said bill do pass.

ONEAL, Chairman.

Assembly Bill No. 175 ordered on file.

At two o'clock and forty-five minutes P. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Tyrrell of San Francisco asked for and was granted unanimous consent to have Assembly Bill No. 922 taken up for immediate consideration.

Assembly Bill No. 922—An Act providing that in any city or city and county in this State where by general law or by charter the Board of Police Commissioners of such city or city and county are authorized and empowered to appoint, promote, suspend, disrate, or dismiss any police officer or member of the police department, and to prescribe rules and regulations for the government, discipline, equipment, and uniform of such police department, and from time to time to alter or repeal the same, and to prescribe penalties for the violations of any such rules and regulations, all such rules and regulations must be reasonable and couched in plain and concise language, and providing that such Board of Police Commissioners shall prescribe a separate and distinct penalty for the violation of each of such rules and regulations, which shall be graded according to the importance and nature of the rule or regulation violated, and providing that such penalty shall in all cases be reasonable, and that the same shall be couched in plain and concise language, and printed or published, as the case may be, in the manual or guide published for the guidance and information of the police officers or members of such police department and in connection with the rule or regulation to which the same is intended to apply, and providing further that such Board of Police Commissioners shall not have power to inflict unreasonable penalties for the violation of such rules and regulations, nor to inflict penalties for the violation of such rules and regulations arbitrarily, nor unless justified by proper and competent evidence, also providing certain procedure in hearings for the violation of such rules and regulations, and that courts of competent jurisdiction may review the proceedings had upon such hearings for certain purposes, and that all Acts and parts of Acts in conflict herewith are hereby repealed.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 922 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Coggins, Corlett, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Lukens, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—29.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Senate Constitutional Amendment No. 2 having been made a special order for this hour, the vote whereby the same was refused adoption having been reconsidered, the same was taken up.

SENATE CONSTITUTIONAL AMENDMENT No. 2.

To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 4, 10, 12, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing courts of appeal.

WHEREAS, The appellate system of the State provided for in the Constitution has become and is inadequate for the discharge of the largely increased judicial business of the State, resulting from the great increase of population and development of the resources, industries, and commerce of the State since the year 1879, when the Constitution was adopted;

NOW, THEREFORE, The Legislature of the State of California, at its regular session, commencing on the fifth day of January, nineteen hundred and three, two thirds of all the members elected to each of the houses of said Legislature voting in favor thereof, hereby proposes that sections one, four, ten, twelve, sixteen, seventeen, eighteen, twenty-one, twenty-three, and twenty-four, of article six of the Constitution of said State be amended so as to read as follows:

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, District Courts of Appeal, Superior Courts, justices of the peace, and such inferior courts as the Legislature may establish in any incorporated city or town, or city and county.

SEC. 4. The Supreme Court shall have appellate jurisdiction on appeal from the Superior Courts in all cases in equity, except such as arise in Justices' Courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to two thousand dollars; also, in all such probate matters as may be provided by law; also on questions of law alone, in all criminal cases where judgment of death has been rendered; the said court shall also have appellate jurisdiction in all cases, matters, and proceedings pending before a District Court of Appeal which shall be ordered by the Supreme Court to be transferred to itself for hearing and decision, as hereinafter provided. The said court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or before any District Court of Appeal, or before any judge thereof, or before any Superior Court in the State, or before any judge thereof.

The State is hereby divided into three appellate districts, in each of which there shall be a District Court of Appeal consisting of three justices. The first district shall embrace the following counties: San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Fresno, Santa Cruz, Monterey, and San Benito.

The second district shall embrace the following counties: Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, and San Diego.

The third district shall embrace the following counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Mariposa, Madera, Merced, Tuolumne, Alpine, and Mono.

The Supreme Court, by orders entered in its minutes, may from time to time remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

Said District Courts of Appeal shall hold their regular sessions respectively at San Francisco, Los Angeles, and Sacramento, and they shall always be open for the transaction of business.

The District Courts of Appeal shall have appellate jurisdiction on appeal from the Superior Court in all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and does not amount to two thousand dollars; also, in all cases of forcible and unlawful entry and detainer (except such as arise in justice's courts), in proceedings in insolvency, and in actions to prevent or abate a nuisance; in proceedings of mandamus, certiorari, and prohibition, usurpation of office, contesting elections and eminent domain, and in such other special proceedings as may be provided by law (excepting cases in which appellate jurisdiction is given to the Supreme Court); also, on questions of law alone, in all criminal cases prosecuted by indictment or information in a court of record, excepting criminal cases where judgment of death has been rendered. The said courts shall also have appellate jurisdiction in all cases, matters, and proceedings pending before the Supreme Court which shall be ordered by the Supreme Court to be transferred to a District Court of Appeal for hearing and decision. The said courts shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of their appellate jurisdiction. Each of the justices thereof shall have power to issue writs of habeas corpus to any part of his

appellate district upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the District Court of Appeal of his district, or before any Superior Court within his district, or before any judge thereof.

The Supreme Court shall have power to order any cause pending before the Supreme Court to be heard and determined by a District Court of Appeal, and to order any cause pending before a District Court of Appeal to be heard and determined by the Supreme Court. The order last mentioned may be made before judgment has been pronounced by a District Court of Appeal, or within thirty days after such judgment shall have become final therein. The judgments of the District Courts of Appeal shall become final therein upon the expiration of thirty days after the same shall have been pronounced.

The Supreme Court shall have power to order causes pending before a District Court of Appeal for one district to be transferred to the District Court of Appeal of another district for hearing and decision.

The Justices of the District Courts of Appeal shall be elected by the qualified electors within their respective districts at the general State elections at the times and places at which Justices of the Supreme Court are elected. Their terms of office and salaries shall be the same as those of Justices of the Supreme Court, and their salaries shall be paid by the State. Upon the ratification by the people of this amendment the Governor shall appoint nine persons to serve as Justices of the District Courts of Appeal until the first Monday after the first day of January in the year 1907; *provided*, that not more than six of said persons shall be members of the same political party. At the election in the year 1906 nine of such justices shall be elected as above provided, and the justices of each District Court of Appeal shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of twelve years; an entry of such classification shall be made in the minutes of the court, signed by the three justices thereof, and a duplicate thereof filed in the office of the Secretary of State. If any vacancy occur in the office of a Justice of the District Courts of Appeal, the Governor shall appoint a person to hold office until the election and qualification of a justice to fill the vacancy; such election shall take place at the next succeeding general State election as aforesaid; the justice then elected shall hold the office for the unexpired term.

One of the justices of each of the District Courts of Appeal shall be the presiding justice thereof, and as such shall be appointed or elected as the case may be. The presence of three justices shall be necessary for the transaction of any business by such court, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment.

Whenever any Justice of the Supreme Court is for any reason disqualified or unable to act in a cause pending before it, the remaining justices may select one of the Justices of a District Court of Appeal to act pro tempore in the place of the justice so disqualified or unable to act.

Whenever any Justice of a District Court of Appeal is for any reason disqualified or unable to act in any cause pending before it, the Supreme Court may appoint a Justice to the District Court of Appeal of another district, or a Judge of a Superior Court who has not acted in the cause in the court below, to act pro tempore in the place of the justice so disqualified or unable to act.

No appeal taken to the Supreme Court or to a District Court of Appeal shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such terms as to costs or otherwise as may be just, and shall be proceeded with therein as if regularly appealed thereto.

All statutes now in force allowing, providing for, or regulating appeals to the Supreme Court shall apply to appeals to the District Courts of Appeal so far as such statutes are not inconsistent with this article and until the Legislature shall otherwise provide.

The Supreme Court shall make and adopt rules not inconsistent with the law for government of the Supreme Court and of the District Courts of Appeal and of the officers thereof, and for regulating the practice in said courts.

SEC. 10. Justices of the Supreme Court, and of the District Courts of Appeal, and Judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house. All other judicial officers, except justices of the peace, may be removed by the Senate on the recommendation of the Governor; but no removal shall be made by virtue of this section unless the cause thereof be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the journal.

SEC. 12. The Supreme Court, the District Courts of Appeal, the Superior Courts, and such other courts as the Legislature shall prescribe, shall be courts of record.

SEC. 16. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court and of the District Courts of Appeal as the Supreme Court may deem expedient, and all opinions shall be free for publication by any person.

SEC. 17. The Justices of the Supreme Court and of the District Courts of Appeal, and the Judges of the Superior Court shall severally, at stated times during their continuance in office, receive for their services such compensation as is or shall be provided by law, which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salaries of the Justices of the Supreme Court

and of the District Courts of Appeals shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; the other half thereof shall be paid by the county for which he is elected.

SEC. 18. The Justices of the Supreme Court, and of the District Courts of Appeal, and the Judges of the Superior Courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.

SEC. 21. The Supreme Court may appoint a reporter and not more than three assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal. Each of the District Courts of Appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed.

SEC. 23. No one shall be eligible to the office of a Justice of the Supreme Court, or of a District Court of Appeal, or of a Judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State.

SEC. 24. No Judge of the Supreme Court nor of a District Court of Appeal, nor of a Superior Court, shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undecided, that has been submitted for decision for a period of ninety days. In the determination of causes all decisions of the Supreme Court and of the District Courts of Appeal shall be given in writing, and the grounds of the decision shall be stated. When the Justices of a District Court of Appeal are unable to concur in a judgment, they shall give their several opinions in writing and cause copies thereof to be forwarded to the Supreme Court.

SEC. 25. The present Supreme Court Commission shall be abolished at the expiration of its present term of office, and no Supreme Court Commission shall be created or provided for after January 1st, A. D. 1905.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.
The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Lukens moved a call of the Senate.

Motion carried.

Time, two o'clock and fifty-eight minutes P. M.

The President pro tem. directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Byrnes, Caldwell, Corlett, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Knowland, Luchsinger, Lukens, Nelson, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—26.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At three o'clock and three minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Hahn.

The roll of absentees was called.

Whereupon the President pro tem. announced the adoption of Senate Constitutional Amendment No. 2 by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Corlett, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of Nevada, Ward, Williams, and Woodward—29.

NOES—Senator Oneal—1.

Constitutional amendment ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL ORDER.

The consideration of Assembly Bill No. 288 having been made a special order for this hour, the same was taken up.

Assembly Bill No. 288—An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of boards of school trustees and city boards of education.

Motion to reconsider having been made this day by Senator Ward.

The question being on the motion to reconsider.

The roll was called, and the motion lost by the following vote:

AYES—Senators Belshaw, Bunkers, Corlett, Devlin, Diggs, Emmons, Flint, Oneal, Plunkett, Rowell, Selvage, Shortridge, Smith, Ward, Williams, and Woodward—16.

NOES—Senators Byrnes, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Savage, Tyrrell of Nevada, and Wolfe—13.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Leavitt moved that the vote whereby Assembly Bill No. 792—An Act to add a new section to the Penal Code of the State of California under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Savage, Selvage, Smith, Tyrrell of Nevada, Ward, and Woodward—23.

NOES—Senators Bunkers, Emmons, French, Hahn, Oneal, Plunkett, Sanford, and Williams—8.

Assembly Bill No. 792—An Act to add a new section to the Penal Code of the State of California under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions.

The vote whereby the bill was passed having been reconsidered.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 792 refused passage by the following vote:

AYES—Senators Bunkers, Emmons, Oneal, Plunkett, Sanford, Williams, and Wolfe—7.

NOES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, French, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Ralston, Savage, Shortridge, Tyrrell of Nevada, Ward, Welch, and Woodward—26.

MOTION TO RECONSIDER.

In compliance with his notice given on a previous day, Senator Oneal moved that the vote whereby Assembly Bill No. 76—An Act to pay the claim of John W. Bird, and making an appropriation therefor—was refused passage, be now reconsidered.

The question being on the motion to reconsider.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Devlin, Emmons, Greenwell, Hahn, Hubbell, Leavitt, Lukens, Oneal, Pendleton, Plunkett, Ralston, Sanford, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—25.

NOES—Senators Curtin, Diggs, Flint, French, Luchsinger, Nelson, and Rowell—7.

Assembly Bill No. 76—An Act to pay the claim of John W. Bird, and making an appropriation therefor.

The vote whereby the bill was refused passage having been reconsidered.

The question being on the passage of bill.

The roll was called, and Assembly Bill No. 76 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Greenwell, Hahn, Hubbell, Oneal, Pendleton, Plunkett, Ralston, Sanford, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—21.

NOES—Senators Corlett, Diggs, Flint, Luchsinger, and Nelson—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Shortridge:

Resolved, That each Senator be and he is hereby permitted and requested to furnish the Secretary of the Senate with two Assembly bills which he desires to have made a case of urgency and read the same three times on one day.

Resolved further, That the Secretary propose a case of urgency resolution embodying all such bills for adoption by this body.

Resolved further, That the consideration of all such urgency bills be considered immediately.

Resolution read and adopted.

Resolved, That Assembly Bills Nos. 194, 791, 858, 872, 495, 646, 679, 140, 629, 844, 795, 616, 271, 582, 762, 515, 93, 663, 731, 684, 920, 359, 585, 968, 688, 597, 847, 485, 368, 662, 593, 548, 459, 28, 192, 88, 948, 88, 591, 377, 178, 958, 258, 647, 610, 352, 770, 241, 671, 166, 173, 379, 142, 745, 703, 87, 137, 292, 831, 882, 95, 592, 509, 376, 607, 301, 406, and 191, and Assembly Constitutional Amendments Nos. 19, 26, 24, 14, and 18 present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, Hahn, Hubbell, Knowland, Leavitt, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—31.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 194—An Act to appropriate \$1,250 to pay the claim of Louis S. Beedy and John T. Pidwell against the State of California.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 194 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, French, Greenwell, Hubbell, Knowland, Muentner, Nelson, Pendleton,

Rowell, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—25.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At four o'clock and thirty minutes P. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

Assembly Bill No. 791—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and providing for the publication of a fair statement of all the proceedings of the board.

Bill read second time.

Read third time.

Senator Curtin moved to refer to Senator Hahn, as a special committee of one, to amend as follows:

By inserting after the word "revenue," in line four hundred and ten, page twelve, and before the word "all," the following: "outside of incorporated cities and towns."

Also: Amend title by adding after the figures "22" the word and figures "and 25," in line four.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 791, with instructions to amend, respectfully reports the same back, amended as per instructions.

HAHN, Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and on file for final passage.

Assembly Bill No. 858—An Act to amend Section 36 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments, approved April 1, 1897,' by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to counties of the thirty-second class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the County Surveyor.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 858 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 872—An Act to appropriate the sum of \$140 to pay the claim of R. P. Marquez, for money due and owing the said R. P.

Marquez, based upon a judgment recovered by the said R. P. Marquez against the State of California in the Superior Court of Orange County, California, on the 21st day of April, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing the bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 872 finally passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 495—An Act to prohibit the sale of intoxicating liquors within certain limits of any public school-house.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 495 refused passage by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Luchsinger, Rowell, Savage, Tyrrell of Nevada, Ward, and Woodward—15.

NOES—Senators Bauer, Bunkers, Byrnes, Corlett, Curtin, Emmons, French, Greenwell, Leavitt, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Sanford, Shortridge, Tyrrell of San Francisco, Williams, and Wolfe—20.

Assembly Bill No. 646—An Act to amend Section 1103 of the Political Code, relating to preservation of affidavits of registration.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 646 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Knowland, Leavitt, Luchsinger, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 376—An Act to pay the claim of Mrs. A. McGinnes, and making an appropriation therefor.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 376 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, French,

Hahn, Hubbell, Leavitt, Luchsinger, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 509—An Act entitled an Act to amend subdivision nine of Section 162 of an Act entitled an Act to establish a uniform system of county and township governments, relating to the office of county detective, creating the same, and fixing the salary thereof.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 509 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Devlin, Diggs, Hahn, Knowland, Leavitt, Oneal, Pendleton, Ralston, Rowell, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 629—An Act to appropriate the sum of \$257.05 to pay the claim of Dr. C. H. Blemmer for money due and owing the said Dr. C. H. Blemmer from the State of California.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 629 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Corlett, Curtin, Diggs, French, Greenwell, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 844—An Act providing for the casing of wells drilled for the production of petroleum or any other substance in any of the petroleum-producing districts of the State of California, and also providing for the filling up of such wells when the same are abandoned or operations are ceased therein, for the purpose of preventing water from either the overlying or underlying strata from penetrating the petroleum-bearing sands; providing for the notification of at least five owners of the oil lands nearest adjacent to the property upon which said well is being drilled of the intention of the operator to withdraw the casing or plug the well or of abandonment of operations; also providing for the filing of affidavits with the County Recorder; providing for the penalty for violations.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called.

CALL OF THE SENATE.

Pending the announcement of the vote, Senator Bauer moved a call of the Senate.

The ayes and noes were demanded.

The question being on the motion for a call of the Senate.

The roll was called, and the motion carried by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Curtin, Emmons, Flint, French, Hahn, Luchsinger, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Ward, and Woodward—15.

NOES—Senator Devlin, Diggs, Greenwell, Knowland, Leavitt, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Shortridge, and Wolfe—13.

Time, five o'clock and twenty minutes P. M.

The acting President directed the Sergeant-at-Arms to close the doors.

The doors were closed, and the Secretary was directed to call the roll.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Savage, Selvage, Tyrrell of Nevada, Welch, and Woodward—31.

The Secretary announced the absentees.

The Sergeant-at-Arms, having been furnished with the names of the absentees, was directed to bring them to the bar of the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH.

At five o'clock and twenty-three minutes P. M., further proceedings under the call of the Senate were dispensed with, on motion of Senator Shortridge.

The roll of absentees was called.

Whereupon the acting President announced Assembly Bill No. 844 passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Curtin, Devlin, Diggs, Emmons, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—24.

NOES—Senators Bunkers, French, Greenwell, Nelson, Oneal, Pendleton, Plunkett, Ralston, Savage, Shortridge, Smith, Welch, Williams, and Wolfe—14.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 795—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 47 thereof, relating to the compensation of officers of the forty-third class.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 795 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Curtin, Devlin, Diggs, Emmons, French, Greenwell, Hubbell, Lardner, Leavitt, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 832—An Act to pay the claim of F. Marion Wells against the State of California, and making an appropriation therefor.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 832 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Curtin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Lardner, Leavitt, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Wolfe, and Woodward—27.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Tyrrell of San Francisco:

Resolved, That the Controller of State is hereby directed to draw his warrant, and the Treasurer of State to pay the same out of the Contingent Fund of the Senate, in the amount of \$50, in favor of Frank Armstrong, Assistant Minute Clerk, for his services for remaining after final adjournment, to properly paste together, arrange and label the original minutes, which according to law, must be properly signed and delivered to the Secretary of State.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

By Senator Ralston:

Resolved, That Joseph E. Pipher be and he is hereby allowed the sum of ten (\$10) dollars, payable out of the Contingent Fund of the Senate, for services rendered to the Committee on Mines and Mining, and the Controller is authorized to draw his warrant for same, payable to Joseph E. Pipher.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

RECESS.

At five o'clock and thirty minutes P. M., on motion of Senator Wolfe, the acting President declared the Senate at recess until eight o'clock P. M. of this day.

RECONVENED.

At eight o'clock P. M. the Senate reconvened.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 786—An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same.

Senate Bill No. 634—An Act to create a State Commission of Horticulture, to provide for a State Commissioner of Horticulture, and prescribe his powers, duties and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal chapter sixty-three of the laws of eighteen hundred and eighty-

three, chapter seven of the laws of eighteen hundred and eighty-five, chapter eighty-six of the laws of eighteen hundred and eighty-nine, and chapter one hundred and ninety-four of the laws of eighteen hundred and ninety-one.

Senate Bill No. 153—An Act to appropriate money to pay the claim of T. W. Spring Co. against the State of California, during the railroad strike of 1895.

Senate Bill No. 568—An Act to provide for the amount and the manner of payment of salaries of Justices of the Peace in counties of the tenth class for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act, and to provide a cashier in the office of the Tax Collector, and a file clerk in the office of the County Clerk, and repealing all laws in conflict therewith.

Senate Bill No. 298—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402½, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances.

Senate Bill No. 131—An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California, and to appropriate money therefor.

Senate Bill No. 162—An Act to appropriate the sum of \$9,000 for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway.

Senate Bill No. 366—An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir.

Senate Bill No. 445—An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor.

Committee Substitute for Senate Bill No. 73—An Act to appropriate \$30,000 for the purchase of additional land for the use of the Stockton State Hospital, with the existing improvements thereon, and to purchase dairy cows, all for the use of said hospital.

Committee Substitute for Senate Bill No. 102—An Act to appropriate the sum of \$2,218.50 to pay the claim of William Fahey, for moneys due and owing the said William Fahey from the State of California.

Senate Bill No. 578—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to salaries of officers of counties of the third class.

Senate Bill No. 521—An Act to amend sections four (4), five (5), eight (8), nine (9), ten (10), eleven (11), twelve (12), and thirteen (13) of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a public school teachers' annuity and retirement fund in the several counties, and cities and counties in the State,'" as amended March 23, 1901.

Senate Bill No. 598—An Act to regulate the practice of optometry and for the appointment of a board of examiners in the matter of said regulation.

Senate Bill No. 665—An Act to amend Sections 3571 and 3572 of the Political Code of the State of California, relating to public lands.

Senate Bill No. 637—An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor.

Senate Bill No. 664—An Act to amend Sections 2527 of the Political Code, relating to the powers of the State Harbor Commissioners.

Senate Concurrent Resolution No. 19—Relative to the printing for distribution by the Secretary of State to certain county officers of additional copies of Senate Bills Nos. 792 and 793.

Senate Bill No. 915—An Act making an appropriation to pay the claim of the County of Marin against the State of California.

Senate Bill No. 811—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered section 622a, relating to taxation of insurance companies other than life.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 13th day of March, 1903, at five o'clock p. m.

HUBBELL, Chairman.

CONSIDERATION OF BILL—(OUT OF ORDER).

Senator Shortridge asked for and was granted unanimous consent to have Senate Bill No. 563 taken up for immediate consideration.

Senate Bill No. 563—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited

to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of the Board of Supervisors concerning such districts and improvements.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 563 passed by the following vote:

AYES—Senators Bauer, Coggins, Corlett, Diggs, Emmons, Flint, French, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Plunkett, Ralston, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL URGENCY FILE.

Assembly Bill No. 271—An Act to amend Sections 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, and 203 of the Political Code, and to add five new sections thereto, to be numbered Sections 204, 205, 206, 207, and 208, all relating to legal mileage in the State.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 271 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Coggins, Corlett, Diggs, French, Hahn, Hubbell, Knowland, Leavitt, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of Nevada, Ward, Welch, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 582—An Act to re-enact Section 681 of the Political Code, relating to the duties of clerks of boards of supervisors, trustees, common council, or other governing board or body of a county, city and county, city or town, or school district in this State, upon the issuance and sale of bonds for any purpose, and decreeing that the State shall not be required to file a certified check, bond, or other issuance in law upon its application to purchase.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 582 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Corlett, Emmons, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muentner, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 762—An Act to amend the Civil Code of the State of California by amending Section 1415 thereof, relating to the appropriation and the notice of appropriation of water.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 762 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Coggins, Corlett, Curtin, Diggs, French, Hubbell, Lardner, Luchsinger, Muenter, Nelson, Plunkett, Ralston, Sanford, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, Wolfe, and Woodward—21.

NOES—Senators Caldwell, Emmons, Leavitt, Rowell, Selvage, and Ward—6.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 515—An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 515 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Muenter, Pendleton, Ralston, Rowell, Sanford, Shortridge, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 93—An Act to appropriate the sum of \$4,450 to pay the claim of W. S. Hooper against the State of California upon a judgment recovered in an action entitled "W. S. Hooper vs. The State of California," numbered 9526 upon the register of the Superior Court of the County of Sacramento.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 93 finally passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Muenter, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Woodward—24.

NOES—Senator Wolfe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 663—An Act making an appropriation to pay the claim of James L. McCarthy against the State of California.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 663 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger,

Muenter, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, and Woodward—32.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 731—An Act to provide for the improvement of the public highways.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 731 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Curtin, Emmons, French, Hahn, Hubbell, Lardner, Luchsinger, Lukens, Muenter, Plunkett, Rowell, Savage, Selvage, Smith, Tyrrell of San Francisco, Ward, Welch, and Woodward—21.

NOES—Senators Caldwell, Corlett, Ralston, and Williams—4.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 684—An Act to prevent the propagation by the production of seed of that certain plant known as Sorghum halepense, otherwise known as Johnson grass.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 684 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Curtin, Devlin, Emmons, French, Hahn, Hubbell, Knowland, Lardner, Lukens, Muenter, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, and Woodward—21.

NOES—Senators Diggs, Flint, Nelson, Ralston, and Tyrrell of Nevada—5.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 142—An Act making an appropriation to pay the judgment of \$465 obtained in the Superior Court of the State of California in and for the County of San Joaquin, on the 20th day of September, 1902, in an action in said court numbered 7881, entered of record on October 6, 1902, in Judgment Book "K," page 131, of said Superior Court, now held by George Hornage, plaintiff, vs. The State of California, defendant.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 142 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, French, Hahn, Hubbell, Knowland, Lardner, Lukens, Muenter, Nelson, Pendleton, Ralston, Rowell, Savage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—27.

NOES—Senators Oneal, Plunkett, and Wolfe—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 920—An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered Section 1144, relating to the payment of fees to grand jurors.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 920 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, French, Hahn, Knowland, Lardner, Lukens, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—28.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 173—An Act to provide for the marking, branding, or labeling of boxes, barrels, or packages containing fruits, fresh or dried, and fixing a penalty for the violation thereof, and for the appointment of inspectors under its provisions.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 173 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Devlin, French, Hubbell, Knowland, Nelson, Oneal, Pendleton, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Williams—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 140—An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 140 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Caldwell, Coggins, Corlett, Devlin, Emmons, French, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 585—An Act to amend Section 7 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901, relating to compensation of the prosecuting attorney and assistant prosecuting attorney, their appointment and term of office.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 585 finally passed by the following vote:

AYES—Senators Bauer, Caldwell, Coggins, Devlin, Diggs, French, Hahn, Knowland, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 968—An Act to authorize and empower the Trustees of the "California Home for the Care and Training of Feeble-Minded" to transfer and quitclaim certain real property to the Trustees of the Town of Santa Clara.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 968 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, French, Hubbell, Knowland, Nelson, Pendleton, Ralston, Sanford, Savage, Smith, Tyrrell of San Francisco, and Williams—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 241—An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road" at or near the "Tioga Mine," and making an appropriation therefor.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 241 finally passed by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, French, Hubbell, Knowland, Leavitt, Lukens, Oneal, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, and Ward—22.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At nine o'clock and fifteen minutes p. m., Hon. J. B. Curtin, State Senator from the Twelfth Senatorial District, in the chair.

Assembly Bill No. 597—An Act making an appropriation to pay a judgment for the sum of \$3,840 rendered in and by the Superior Court of the County of Fresno, State of California, on January 6, 1903, in an action entitled "G. W. Dowda, plaintiff, vs. State of California, defendant." numbered 9650, which judgment was entered and recorded on January 9, 1903, in Judgment Book No. 16 of Department Two of said Superior Court, at pages 28 and 29.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 597 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Coggins, Corlett, Curtin, Diggs, Emmons,

French, Hahn, Hubbell, Knowland, Leavitt, Lukens, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—22.
 NOES—Senator Wolfe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 352—An Act to amend Section 1713 of the Political Code of California, in relation to district libraries.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 352 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Byrnes, Curtin, Devlin, Diggs, French, Hubbell, Knowland, Leavitt, Nelson, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 19—A resolution proposing to the people of the State of California an amendment to Section 17 of Article XI of the Constitution of the State, in relation to depositing public funds of any county, city and county, city, or town.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Assembly Constitutional Amendment No. 19 refused adoption by the following vote:

AYES—Senators Belshaw, Byrnes, Caldwell, Coggins, Corlett, Devlin, French, Hubbell, Knowland, Lardner, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Wolfe, and Woodward—17.

NOES—Senators Bauer, Bunkers, Curtin, Emmons, Flint, Hahn, Leavitt, Lukens, Oneal, Plunkett, Rowell, Sanford, Savage, Shortridge, Welch, and Williams—16.

MESSAGE FROM THE GOVERNOR.

The following communication from the Governor was received, read, and referred to Committee on Executive Communications:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
 SACRAMENTO, March 13, 1903.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day made the following appointments:

Frederick W. Dohrmann, of San Francisco, a member of the Board of Regents of the University of California, in place of J. F. Houghton, deceased.

John A. Britton, of Oakland, a member of the Board of Regents of the University of California, in place of George C. Pardee, resigned.

Dr. W. LeMoine Wills, of Los Angeles, a member of the State Board of Health, in place of F. G. Fay, appointment withdrawn.

Dr. O. Stansbury, of Chico, a member of the State Board of Health, in place of R. W. Hill, appointment withdrawn.

Dr. Wallace A. Briggs, of Sacramento, a member of the State Board of Health, in place of W. P. Mathews, appointment withdrawn.

Dr. Martin Regensburger, of San Francisco, a member of the State Board of Health, in place of C. L. Gregory, appointment withdrawn.

Dr. N. K. Foster, of Oakland, a member of the State Board of Health, in place of C. A. Ruggles, appointment withdrawn.

Dr. A. G. Hart, of Sacramento, a member of the State Board of Health, in place of Winslow Anderson, appointment withdrawn.

Charles H. Spear, of Berkeley, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of Paris Kilburn, term expired.

Charles N. Felton, of Menlo Park, a member of the State Board of Prison Directors, in place of Warren R. Porter, appointment withdrawn.

J. P. Greeley, of Santa Ana, a Trustee of the State Normal School at Los Angeles, in place of J. S. Collins, appointment withdrawn.

John Wasson, of Pomona, a Trustee of the State Normal School at Los Angeles, in place of Lee A. Phillips, appointment withdrawn.

Charles D. Willard, of Los Angeles, a Trustee of the State Normal School at Los Angeles, in place of H. W. O'Melveney, resigned.

Thomas Addison, of Berkeley, a Trustee of the State Normal School at San José, in place of H. C. Brown, appointment withdrawn.

P. K. Dow, of San José, a Trustee of the State Normal School at San José, in place of Frank W. Marston, appointment withdrawn.

C. C. Chapman, of Fullerton, a Trustee of the State Normal School at San Diego, in place of E. E. Swanton, appointment withdrawn.

Richard Belcher, of Marysville, a Trustee of the State Normal School at Chico, in place of himself, term expired.

E. B. Edson, of Gazelle, a Trustee of the State Normal School at Chico, in place of F. W. Johnson, appointment withdrawn.

F. A. Hyde, of San Francisco, a Trustee of the State Normal School at San Francisco, in place of himself, appointment withdrawn.

Frank W. Marston, of San Francisco, a Trustee of the State Normal School at San Francisco, in place of William J. Hawkins, appointment withdrawn.

Vanderlyn Stow, of San Francisco, a Trustee of the State Normal School at San Francisco, in place of himself, appointment withdrawn.

A. J. Halston, of Berkeley, a member of the Board of Directors of the Deaf, Dumb, and Blind Asylum, in place of George W. Reed, appointment withdrawn.

W. W. Garthwaite, of Oakland, a member of the Board of Directors of the Deaf, Dumb, and Blind Asylum, in place of Henry Pierce, deceased.

Walter Lindley, of Los Angeles, a Trustee of the Whittier State School, in place of himself, appointment withdrawn.

James Clarke, of Pasadena, a Trustee of the Whittier State School, in place of himself, appointment withdrawn.

William Thomas, of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of J. T. Harrington, of Colusa, term expired.

C. E. Haven, of Santa Rosa, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of C. Walter Gould, appointment withdrawn.

Rev. A. C. Bane, of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of himself, appointment withdrawn.

Rev. William Lyons, of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of himself, appointment withdrawn.

Robert A. Poppe, of Sonoma, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of H. E. Leland, appointment withdrawn.

E. M. Freeman, of Oakland, a member of the Board of Pilot Commissioners for the Port of San Francisco, Mare Island, and Benicia, in place of W. G. Leale.

H. Z. Howard, of San Francisco, a member of the Board of Pilot Commissioners for the Port of San Francisco, Mare Island, and Benicia, in place of R. S. Alexander, resigned.

M. C. Erskine, of San Francisco, a member of the Board of Pilot Commissioners for the Port of San Francisco, Mare Island, and Benicia, in place of C. H. S. Pratt.

Eugene DeBurn, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of Charles P. Douglass, appointment withdrawn.

W. H. Pringle, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of Robert H. Benton, appointment withdrawn.

C. W. Gosting, of San Diego, member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of G. B. Grow, deceased.

I respectfully ask the consent of the Senate to the above-named appointments.

GEO. C. PARDEE,
Governor of the State of California.

CONSIDERATION OF SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 791—An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and providing for the publication of a fair statement of all the proceedings of the board.

Read second and third times this day, amended, and to print; returned from printer.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 791 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Hubbell, Lardner, Lukens, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of Nevada, Ward, and Wolfe—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 485—An Act to repeal Section 772 of the Penal Code of the State of California.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 485 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hubbell, Knowland, Leavitt, Luchsinger, Pendleton, Ralston, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, and Williams—22.

NOES—Senator Hahn—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 926—An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued.

Committee Substitute for Senate Bill No. 47—An Act to provide for the establishment and operation of a State dairy school and experiment farm, the construction of a building for said school, to provide for the appointment of a commission to select a site for the location thereof, and appropriating money therefor.

Senate Bill No. 34—An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots.

Committee Substitute for Senate Bill No. 392—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 383 thereof, relating to the joinder of parties in civil actions.

Senate Constitutional Amendment No. 20—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employés of the Senate and Assembly, and by amending Section 4 of Article V relating to declaring elections of Governor.

Senate Bill No. 483—An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution.

Senate Bill No. 327—An Act to provide for the erection and equipment of an oil-storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same.

Senate Bill No. 582—An Act to appropriate the sum of \$10,000 for the purpose of equipping the attic of the State Capitol with automatic fire-sprinkler protection, and providing necessary water supplies for same.

Senate Bill No. 613—An Act to appropriate the sum of \$432.03 to pay the claim of Edward Fanning for money due and owing the said Edward Fanning from the State of California.

Senate Bill No. 471—An Act to appropriate the sum of \$400 to pay the claim of John E. Tucker against the State of California, upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced.

Senate Bill No. 520—An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the water front of said city in the Bay of Monterey."

Senate Bill No. 322 -An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor.

Senate Bill No. 6 -An Act to provide for the purchase of additional lands for the Napa State Hospital.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 13th day of March, 1903, at nine o'clock p. m.

HUBBELL, Chairman.

CONSIDERATION OF CONCURRENT RESOLUTION—(OUT OF ORDER).

Senator Devlin asked for and was granted unanimous consent to have Assembly Concurrent Resolution No. 14 taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 14.

Relative to the consent of the Legislature to absence from the State of Assemblymen John G. Mattos, Jr., Grove L. Johnson, and William H. Waste for a period not to exceed six months.

Resolved by the Assembly, the Senate concurring. That the Legislature of the State of California has consented, and does hereby consent, that Assemblymen John G. Mattos, Jr., of the Forty-sixth Assembly District, Grove L. Johnson of the Seventeenth Assembly District, and William H. Waste of the Fifty-second Assembly District, may, and each may, depart from the State of California at any time during the remainder of their, or his, official term as Assemblymen, and remain absent from the State of California for a period not to exceed six months from and immediately following the time of his departure.

During the reading of concurrent resolution, the following amendment was offered:

By Senator Hahn:

Amend by adding the name of John Goodrich and Thomas J. Kirk, Superintendent of Public Instruction, after the name of William H. Waste.

Amendment adopted.

Concurrent resolution read.

The question being on the adoption of the same, as amended.

The roll was called, and Assembly Concurrent Resolution No. 14 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Hahn, Hubbell, Leavitt, Luchinger, Lukens, Pendleton, Ralston, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—22.

NOES—None.

Concurrent resolution ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 368—An Act appropriating money to pay the expenses of maintaining an exhibit of the products of the State of California at the Louisiana Purchase Exposition, to be held in St. Louis in 1904, and the Lewis and Clark Exposition, to be held in the City of Portland, Oregon, in 1905, and to provide for a commissioner thereof.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 368 finally passed by the following vote:

AYES—Senators Bauer, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, French, Hahn, Hubbell, Knowland, Muenster, Pendleton, Plunkett, Ralston, Rowell, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Wolfe—22.

NOES—Senator Lukens—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 92—An Act to appropriate \$3,835 to pay the claim of W. B. Waldron against the State of California upon a judgment recovered in an action entitled "W. B. Waldron vs. The State of California," numbered 9617 upon the register of the Superior Court of the County of Sacramento.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 92 finally passed by the following vote:

AYES—Senators Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hubbell, Knowland, Lardner, Luchsinger, Muentner, Oneal, Pendleton, Rowell, Sanford, Shortridge, Tyrrell of San Francisco, Ward, and Welch—23.

NOES—Senators Bauer, Bunkers, and Wolfe—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 662—An Act entitled an Act to amend Section 1239 of the Political Code of the State of California, relating to the rules governing the boards of election in determining the place of residence of any person entitled to vote therein.

Read third time on a previous day.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 662 refused passage by the following vote:

AYES—Senators Devlin and Diggs—2.

NOES—Senators Bauer, Bunkers, Byrnes, Caldwell, Corlett, Curtin, Emmons, French, Hahn, Knowland, Leavitt, Lukens, Oneal, Pendleton, Sanford, Shortridge, Tyrrell of San Francisco, Ward, Welch, Williams, and Wolfe—21.

Assembly Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to Article IV of the Constitution of the State of California by adding a new section thereto, to be numbered Section 24½ of Article IV, relating to the power of the Legislature to amend existing codes.

ASSEMBLY CONSTITUTIONAL AMENDMENT No. 26.

A resolution to propose to the people of the State of California, an amendment to Article IV of the Constitution of the State of California by adding a new section thereto, to be numbered Section 24½ of Article IV, relating to the power of the Legislature to amend existing codes.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its regular session commencing on the fifth day of January, A. D. one thousand nine hundred and three, two thirds of the members elected to each of the two houses voting in favor thereof, hereby proposes that Article IV of the Constitution of the State of California be amended by adding a new section thereto, to be numbered Section 24½ of Article IV, as follows:

Section 24½. The Legislature may amend, revise, and re-enact as a whole any one of the existing codes in a single Act expressing that purpose in its title. This shall not be done in respect to the same code more than once in twelve years.

Constitutional amendment read.

The question being on the adoption of the constitutional amendment.

The roll was called, and Assembly Constitutional Amendment No. 26 adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lukens, Muentner, Oneal, Pendleton, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Ward, Welch, and Williams—28.

NOES—Senator Wolfe—1.

Constitutional amendment ordered transmitted to the Assembly.

Assembly Bill No. 593—An Act to amend Sections 291 and 293 of the Civil Code, relating to the formation of corporations.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 593 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, and Wolfe—30.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 548—An Act to amend Section 1407 of the Penal Code, relating to the disposition by peace officers of property in their possession which is alleged to have been stolen or embezzled.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 548 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hahn, Hubbell, Knowland, Leavitt, Lukens, Oneal, Pendleton, Sanford, Savage, Selvage, Tyrrell of San Francisco, Welch, Williams, and Woodward—22.

NOES—Senator Curtin—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 459—An Act to amend Section 28 of the Penal Code of the State of California, relating to discharge of prisoners on Monday.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 459 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, French, Hahn, Hubbell, Oneal, Pendleton, Ralston, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Woodward—23.

NOES—Senator Savage—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 28—An Act to add a new section to the Penal Code and to Title IX, Chapter II thereof, to be known as Section 273, making it unlawful in certain cases to employ children under fourteen years of age, and providing a penalty for the violation of the same.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 28 refused passage by the following vote:

AYES—Senators Bauer, Bunkers, Hahn, Lukens, Plunkett, Rowell, Selvage, and Ward—8.

NOES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint,

French, Hubbell, Lardner, Leavitt, Nelson, Oneal, Pendleton, Ralston, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Williams, and Woodward—24.

Assembly Bill No. 948—An Act to amend Section 36 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 1, 1897.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 948 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Curtin, Devlin, Greenwell, Hahn, Lukens, Muenter, Nelson, Oneal, Pendleton, Plunkett, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 591—An Act to amend the Civil Code by adding thereto a new section, to be numbered 300a, relating to corporations.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 591 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Curtin, Devlin, Diggs, Emmons, Hubbell, Lardner, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 192—An Act to amend Section 362 of the Civil Code, relating to amendments by corporations of their articles of incorporation.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 192 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Curtin, Devlin, Hubbell, Knowland, Lardner, Leavitt, Lukens, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 377—An Act to amend Section 321a, relating to the removal by corporations of their principal places of business, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 377 finally passed by the following vote:

AYES—Senators Coggins, Curtin, Devlin, Diggs, Emmons, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muenter, Nelson, Pendleton, Plunkett, Ralston, Rowell, San-

ford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—23.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 178—An Act to amend Sections 780, 781, and 782 of the Political Code of the State of California, and repealing Section 779 thereof, relating to the reporters of Supreme Court.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 178 finally passed by the following vote:

AYES—Senators Bauer, Bunkers, Coggins, Corlett, Curtin, Devlin, Emmons, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Williams—26.

NOES—Senators Belshaw and Wolfe—2.

The question being, "Are there any amendments to the title?"

Senator Lukens moved to refer to Senator Tyrrell of Nevada, as a special committee of one, to amend as follows:

By inserting the following figures "778" after the word "section" in the title.

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: Your special committee of one, to whom was referred Assembly Bill No. 178, with instructions to amend, respectfully reports the same back, amended as per instructions.

JOHN R. TYRRELL, Committee.

Bill ordered to print, and to the Assembly.

Assembly Bill No. 958—An Act to amend Section 1 of an Act entitled "An Act to amend an Act authorizing and requiring boards and commissions having the management and control of paid fire departments to grant the members thereof yearly vacations, approved March 26, 1895," which became a law March 4, 1899.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 958 passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Corlett, Curtin, Diggs, Emmons, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Muentner, Nelson, Pendleton, Ralston, Rowell, Sanford, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—23.
 NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 24—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, amending Article XIII of said Constitution, relating to revenue and taxation, by striking out and repealing Sections 4 and 5 of said Article XIII, and amending Section 1 of said article.

During the reading of the constitutional amendment, the following amendment was submitted by committee:

Amend by inserting after the word "schools," in line nineteen, second page, printed

bill, the following: "and such buildings and real estate used solely and exclusively for religious worship, as is provided in Section 1½ of Article XIII of the Constitution of the State of California."

Amendment adopted.

Assembly constitutional amendment ordered to print.

Assembly Bill No. 258—An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 258 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Leavitt, Luchsinger, Muentner, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, and Wolfe—23.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 647—An Act to pay the claim of George Williams against the State of California.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 647 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Emmons, Leavitt, Luchsinger, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selva, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, and Wolfe—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 610—An Act making an appropriation of \$52.40 to pay the claim of J. D. Collins, Sheriff of Fresno County, for the transportation of Frank Sutton, taken from Fresno, California, to Eldridge, on January 24, 1899, and for transporting Albert Dunn from Fresno, California, to Eldridge, on January 27, 1899.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 610 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Hahn, Knowland, Leavitt, Luchsinger, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—24.
NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 847—An Act to appropriate \$5,000 to be expended by the Regents of the University of California, through the Departments of Agriculture and Zoölogy, in making experiments leading to the destruction of ground squirrels, gophers, and jack-rabbits or hares.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 847 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Hahn, Lardner, Leavitt, Luchsinger, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 770—An Act authorizing the payment of a judgment in favor of Maggie L. Boyd as administratrix of the estate of John D. Boyd, deceased, heretofore recovered against the State of California, in the Superior Court of the State of California in and for the County of Fresno, on the 6th day of January, 1903, and making an appropriation therefor.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 770 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, French, Hahn, Lardner, Leavitt, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Tyrrell of San Francisco, Ward, and Williams—21.

NOES—Senators Bauer and Wolfe—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 688—An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 688 finally passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, Hahn, Leavitt, Muenter, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of Nevada, Ward, and Woodward—22.

NOES—Senators Bauer, Caldwell, and Wolfe—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock and fifteen minutes P. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

Assembly Bill No. 671—An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their offices.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 671 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Emmons, Hahn,

Leavitt, Muentner, Nelson, Pendleton, Ralston, Rowell, Savage, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 166—An Act making an appropriation to pay the claim of A. W. Rapelye against the State of California.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 166 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Hahn, Knowland, Leavitt, Muentner, Pendleton, Ralston, Rowell, Savage, Smith, Tyrrell of San Francisco, Welch, Williams, Wolfe, and Woodward—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 88—An Act to appropriate \$1,040 to pay the claim of George Leonard against the State of California upon a judgment recovered in an action entitled "George Leonard vs. The State of California," numbered 9611 upon the register of the Superior Court of the County of Sacramento.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 88 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Hahn, Knowland, Leavitt, Nelson, Pendleton, Plunkett, Ralston, Rowell, Savage, Smith, Tyrrell of San Francisco, Welch, Williams, and Woodward—21.

NOES—Senators Bauer and Wolfe—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 379—An Act to amend Section 70, relating to the solemnization of marriages, of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 379 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Ralston, Sanford, Savage, Selva, Tyrrell of San Francisco, Welch, Williams, and Wolfe—21.

NOES—Senators Curtin, Emmons, Flint, Hahn, Knowland, Lardner, and Rowell—7.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY.

On motion of Senator Pendleton, the following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused passage to Senate Bill No. 644.

Also: Passed Senate Bill No. 563—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Board of Supervisors concerning such districts and improvements.

Also: Passed (as a case of urgency) Senate Bill No. 469—An Act to repeal an Act entitled "An Act concerning the fees of jurors and witnesses in the City and County of San Francisco," approved February 27, 1866.

Also: Concurred in Senate amendments to Assembly Bills Nos. 791, 368, 662, and 920.

Also: Adopted Senate amendments to Assembly Concurrent Resolution No. 14.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Senate Bills Nos. 563 and 469 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bills Nos. 136, 646, and 795.

Also: Adopted Committee Substitute for Senate Constitutional Amendment No. 2.

Also: Passed Senate Bill No. 43—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State Wagon Road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and make an appropriation therefor.

Also: Passed Senate Bill No. 889—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor.

Also: Passed Senate Bill No. 899—An Act amending the Civil Code of the State of California, by adding thereto a new section, numbered 605, authorizing corporations now or hereafter organized for purposes other than profit to consolidate their debts, property, assets, and franchises, with another like association or corporation, either created under the laws of the State of California or under the laws of any other State or Territory.

CLIO LLOYD, Chief Clerk.

By J. P. GREELEY, Assistant.

Committee Substitute for Senate Constitutional Amendment No. 2, and Senate Bills Nos. 43, 889, and 899 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 523—An Act to amend Section 1095 of the Political Code of the State of California, relating to the registration of voters.

Also (as a case of urgency): Assembly Bill No. 976—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Also: Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

CLIO LLOYD, Chief Clerk.

By F. W. HEATHERLY, Assistant.

Senate Bills Nos. 523 and 304 ordered to enrollment.

Assembly Bill No. 976 read first time, and ordered on file without reference to committee.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined Senate Bill No. 924—An Act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying the same—and report that the same has been correctly enrolled, and presented the same to the Governor on this 13th day of March, 1903, at eleven o'clock and forty minutes P. M.

HUBBELL, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Pendleton:

Resolved, That Assembly Bill No. 976 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed on its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Muenter, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Selvage, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—27.

NOES—Senator Emmons—1.

CASE OF URGENCY.

Assembly Bill No. 976—An Act to amend Section 3713 of the Political Code, relating to the levy of taxes.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 976 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hubbell, Knowland, Leavitt, Muenter, Pendleton, Ralston, Rowell, Sanford, Selvage, Smith, Tyrrell of San Francisco, Ward, Williams, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF SPECIAL URGENCY FILE—(RESUMED).

Assembly Bill No. 745—An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 745 finally passed by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Curtin, Diggs, Flint, Hahn, Hubbell, Knowland, Leavitt, Muenter, Oneal, Pendleton, Ralston, Rowell, Sanford, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Wolfe—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 703—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 160 thereof, relating to the compensation of officers of counties of the third class.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 703 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Hahn, Hubbell, Knowland, Leavitt, Muentner, Pendleton, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, and Wolfe—21.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 87—An Act to appropriate \$4,810 to pay the claim of A. T. Lightner against the State of California upon a judgment recovered in an action entitled "A. T. Lightner vs. The State of California," numbered 9613 upon the register of the Superior Court of the County of Sacramento.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 87 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, Hahn, Hubbell, Knowland, Leavitt, Muentner, Pendleton, Ralston, Sanford, Savage, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Welch—22.

NOES—Senators Bauer and Wolfe—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 137—An Act entitled an Act to appropriate the sum of \$211.61 to pay the claim of B. A. Johnson for supplies furnished the National Guard of California during the month of July, 1894.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 137 finally passed by the following vote:

AYES—Senators Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Hahn, Hubbell, Knowland, Leavitt, Muentner, Nelson, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of Nevada, Ward, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Constitutional Amendment No. 14—To propose to the people of the State of California an amendment to the Constitution of the State amending Article XI, by adding thereto a new section, to be numbered Section 20, providing a system of direct legislation by means of the initiative and referendum in counties, cities and counties, and cities.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Assembly Constitutional Amendment No. 14 refused adoption by the following vote:

AYES—Senators Curtin, Emmons, Hahn, Hubbell, Lardner, Oneal, Pendleton, Sanford, Savage, Smith, Tyrrell of Nevada, Ward, and Welch—13.

NOES—Senators Bauer, Coggins, Corlett, Diggs, Flint, Knowland, Leavitt, Nelson, Ralston, Rowell, Selvage, Shortridge, Tyrrell of San Francisco, and Wolfe—14.

Assembly Bill No. 292—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, numbered

710, providing a procedure by which money or credits of a judgment debtor in the hands of the State of California or a public or municipal corporation or public officer may be obtained in satisfaction of judgment, and relating to the duty of courts upon the receipt of money received into court under such procedure.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 292 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Corlett, Curtin, Diggs, Flint, Hahn, Knowland, Lardner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Selvage, Tyrrell of San Francisco, Tyrrell of Nevada, Welch, Williams, and Wolfe—22.

NOES—Senator Emmons—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 831—An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction, and provide for officers of said courts and fix the compensation of certain officers thereof," approved March 5, 1901.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 831 finally passed by the following vote:

AYES—Senators Bauer, Belshaw, Coggins, Corlett, Curtin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Williams—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock and thirty minutes P. M., Lieutenant-Governor Alden Anderson, President pro tem. of the Senate, in the chair.

Assembly Bill No. 616—An Act to provide three additional Judges of the Superior Court of the City and County of San Francisco.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 616 refused passage by the following vote:

AYES—Senators Bauer, Devlin, Diggs, Emmons, Hahn, Hubbell, Lardner, Leavitt, Tyrrell of Nevada, and Ward—10.

NOES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Flint, Knowland, Pendleton, Plunkett, Ralston, Rowell, Savage, and Wolfe—13.

Assembly Bill No. 95—An Act to appropriate \$460 to pay the claim of Charles A. Palmer against the State of California upon a judgment recovered in an action entitled "Charles A. Palmer vs. The State of California," numbered 9610 upon the register of the Superior Court of the County of Sacramento.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 95 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, Hahn, Knowland, Pendleton, Plunkett, Ralston, Rowell, Savage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, and Ward—21.

NOES—Senators Oneal and Wolfe—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 592—An Act to amend Section 800 of the Political Code, relating to the qualification of notaries public.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 592 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, Hahn, Leavitt, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—22.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 310—An Act to amend Section 1593 of the Political Code of the State of California.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 310 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Devlin, Hahn, Hubbell, Knowland, Leavitt, Pendleton, Plunkett, Ralston, Rowell, Sanford, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 679—An Act to provide for the care, management, and protection of State highways.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 679 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Hahn, Knowland, Lardner, Luchsinger, Nelson, Pendleton, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—23.

NOES—Senator Leavitt—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 607—An Act to appropriate \$2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California."

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 607 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Devlin, Emmons, Flint, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Ward, and Williams—26.

NOES—Senator Wolfe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

At eleven o'clock and thirty-five minutes p. m., Hon. C. M. Shortridge, State Senator from the Twenty-eighth Senatorial District, in the chair.

Assembly Constitutional Amendment No. 18—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, amending Article VII of said Constitution.

Constitutional amendment read.

The question being on the adoption of the same.

The roll was called, and Assembly Constitutional Amendment No. 18 refused adoption by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Flint, Hubbell, Lardner, Plunkett, Ralston, Savage, and Smith—12.

NOES—Senators Curtin, Emmons, Knowland, Leavitt, Nelson, Oneal, Pendleton, Rowell, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—15.

Assembly Bill No. 301—An Act to amend Section 1818 of the Political Code, relating to the duties of Boards of Supervisors levying county school tax.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 301 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Corlett, Devlin, Diggs, Hubbell, Knowland, Luchsinger, Nelson, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—24.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 406—An Act to amend Section 819 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the service of a warrant of arrest.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 406 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Flint, Knowland, Leavitt, Luchsinger, Oneal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—25.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 191—An Act to appropriate the sum of \$520 to pay the claim of William Saunders against the State of California.

Bill read first and second times on a previous day.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 191 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, Lukens, Oneal, Pendleton, Ralston, Rowell, Sanford, Shortridge, Tyrrell of Nevada, Ward, Welch, and Williams—21.

NOES—Senator Wolfe—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Hubbell:

Resolved, That Assembly Bills No. 715 and 851 present cases of urgency as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Emmons, Flint, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—32.

NOES—None.

CASES OF URGENCY.

Assembly Bill No. 715—An Act to amend Section 1275 of the Civil Code, relating to testamentary dispositions to corporations.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 715 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Devlin, Emmons, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Wolfe, and Woodward—23.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 851—An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by County Boards of Education.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 851 finally passed by the following vote:

AYES—Senators Belshaw, Caldwell, Coggins, Curtin, Devlin, Diggs, Emmons, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—26.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: Your Committee on Executive Communications, to whom was referred the following appointments:

Frederick W. Dohrmann, of San Francisco, a member of the Board of Regents of the University of California, in place of J. F. Houghton, deceased.

John A. Britton, of Oakland, a member of the Board of Regents of the University of California, in place of George C. Pardee, resigned.

Dr. Le Moyne Wills, of Los Angeles, a member of the State Board of Health, in place of F. G. Fay, appointment withdrawn.

Dr. O. Stansbury, of Chico, a member of the State Board of Health, in place of R. W. Hill, appointment withdrawn.

Dr. Wallace A. Briggs, of Sacramento, a member of the State Board of Health, in place of W. P. Mathews, appointment withdrawn.

Dr. Martin Regensburger, of San Francisco, a member of the State Board of Health, in place of C. L. Gregory, appointment withdrawn.

Dr. N. K. Foster, of Oakland, a member of the State Board of Health, in place of C. A. Ruggles, appointment withdrawn.

Dr. A. G. Hart, of Sacramento, a member of the State Board of Health, in place of Winslow Anderson, appointment withdrawn.

Charles H. Spear, of Berkeley, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of Paris Kilburn, term expired.

Charles N. Felton, of Menlo Park, a member of the State Board of Prison Directors, in place of Warren R. Porter, appointment withdrawn.

J. P. Greeley, of Santa Ana, a Trustee of the State Normal School at Los Angeles, in place of J. S. Collins, appointment withdrawn.

John Wasson, of Pomona, a Trustee of the State Normal School at Los Angeles, in place of Lee A. Phillips, appointment withdrawn.

Charles D. Willard, of Los Angeles, a Trustee of the State Normal School at Los Angeles, in place of H. W. O'Melveney, resigned.

Thomas Addison, of Berkeley, a Trustee of the State Normal School at San José, in place of H. C. Brown, appointment withdrawn.

P. K. Dow, of San José, a Trustee of the State Normal School at San José, in place of Frank W. Marston, appointment withdrawn.

C. C. Chapman, of Fullerton, a Trustee of the State Normal School at San Diego, in place of E. E. Swanton, appointment withdrawn.

Richard Belcher, of Marysville, a Trustee of the State Normal School at Chico, in place of himself, term expired.

E. B. Edson, of Gazelle, a Trustee of the State Normal School at Chico, in place of F. W. Johnson, appointment withdrawn.

F. A. Hyde, of San Francisco, a Trustee of the State Normal School at San Francisco, in place of himself, appointment withdrawn.

Frank W. Marston, of San Francisco, a Trustee of the State Normal School at San Francisco, in place of William J. Hawkins, appointment withdrawn.

Vanderlyn Stow, of San Francisco, a Trustee of the State Normal School at San Francisco, in place of himself, appointment withdrawn.

A. J. Ralston, of Berkeley, a member of the Board of Directors of the Deaf, Dumb, and Blind Asylum, in place of George W. Reed, appointment withdrawn.

W. W. Garthwaite, of Oakland, a member of the Board of Directors of the Deaf, Dumb, and Blind Asylum, in place of Henry Pierce, deceased.

Walter Lindley, of Los Angeles, a Trustee of the Whittier State School, in place of himself, appointment withdrawn.

James Clarke, of Pasadena, a Trustee of the Whittier State School, in place of himself, appointment withdrawn.

William Thomas, of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of J. T. Harrington, of Colusa, term expired.

C. E. Haven, of Santa Rosa, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of C. Walter Gould, appointment withdrawn.

Rev. A. C. Banc, of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of himself, appointment withdrawn.

Rev. William Lyons, of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of himself, appointment withdrawn.

Robert A. Poppe, of Sonoma, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of H. E. Leland, appointment withdrawn.

E. M. Freeman, of Oakland, a member of the Board of Pilot Commissioners for the Port of San Francisco, Mare Island, and Benicia, in place of W. G. Leade.

H. Z. Howard, of San Francisco, a member of the Board of Pilot Commissioners for the Port of San Francisco, Mare Island, and Benicia, in place of R. S. Alexander, resigned.

M. C. Erskine, of San Francisco, a member of the Board of Pilot Commissioners for the Port of San Francisco, Mare Island, and Benicia, in place of C. H. S. Pratt.

Eugene DeBurn, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of Charles P. Douglass, appointment withdrawn.

W. H. Pringle, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of Robert H. Benton, appointment withdrawn.

C. W. Oesting, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of G. E. Grow, deceased.

Dr. Matthew Gardner, of San Francisco, a member of the State Board of Health, vice Dr. W. B. Coffey, resigned.

George W. Marston, a member of the Board of Trustees of the State Normal School at San Diego, vice George Fuller, resigned.

Have had the same under consideration, and respectfully report the same back, and recommend that the Senate do advise and consent to the nominations of the Governor.

LEAVITT, Chairman.

SPECIAL ORDER SET.

On motion of Senator Leavitt, the consideration of the report of the Committee on Executive Communications was made a special order for Saturday, March 14, 1903, immediately after reading the Journal.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Emmons:

Resolved, That Assembly Bill No. 598 presents a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the first, second, and third times, and placed upon its passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended and resolution adopted by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Diggs, Emmons, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Oneal, Pendleton, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—28.

NOES—None.

CASE OF URGENCY.

Assembly Bill No. 598—An Act to add a new section to the Penal Code of the State of California, to be known as Section 650½, relating to willful and wrongful acts seriously injuring the person or property of another; seriously disturbing or endangering the public peace; outraging public decency; using another's name for accomplishing lewd or licentious purposes, whether accomplished or not, affecting, or having a

tendency to affect, the moral character of the person whose name is used, and to personifying another or causing or procuring others to identify or give assurance that a person is some one else, or the accomplishment of lewd or licentious purposes, whether accomplished or not, and making such acts misdemeanors where no other punishment is expressly prescribed by the code.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 598 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Caldwell, Coggins, Devlin, Diggs, Emmons, Flint, Leavitt, Luchsinger, Nelson, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Shortridge, Smith, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—25.
 NOES—Senator Tyrrell of San Francisco—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 905—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 190 thereof, relating to counties of the thirty-third class.

Also: Senate Bill No. 906—An Act to authorize cities to acquire and operate a joint system or systems of water supply.

Also: Senate Bill No. 514—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 36 thereof, relating to the powers and duties of Boards of Supervisors.

Also: Refused passage to Senate Bill No. 907—An Act to appropriate money for the purchase of a silver service for the cruiser "California."

Also: Passed (as a case of urgency) Senate Bill No. 925—An Act to purchase from William Cogswell two paintings, one of ex-President Abraham Lincoln, and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of \$1,500 therefor.

Also: Passed Senate Bill No. 470—An Act to appropriate the sum of \$185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced.

CLIO LLOYD, Chief Clerk.

By JOHN H. HARNEY, Assistant.

Senate Bills Nos. 905, 906, 514, 925, and 470 ordered to enrollment.

APPOINTMENTS BY THE PRESIDENT.

The President announced that he had made the following appointments:

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

In accordance with the terms of Senate Concurrent Resolution No. 6, calling for the appointment of a committee to meet the President of the United States on the occasion of his visit to California, this spring, and the provisions of resolutions adopted this day bearing on the same subject, I hereby appoint Senator Chester Rowell in my place and stand to serve on said committee, and name Senator G. R. Lukens as his alternate.

I appoint on said committee:

Senator Smith, with Senator Pendleton as alternate.

Senator Belshaw, with Senator Wolfe as alternate.

Senator Hubbell, with Senator Devlin as alternate.

Senator Ralston, with Senator Luchsinger as alternate.

Senator Sanford, with Senator Emmons as alternate.

ALDEN ANDERSON,
 President of Senate.

Also:

I hereby appoint on the committee of hold-over Senators to investigate the affairs of the State Agricultural Society as provided by the resolution adopted by the Senate: Senators Leavitt, Curtin, and Bauer.

ALDEN ANDERSON,
President of Senate.

ADJOURNMENT.

At eleven o'clock and fifty-eight minutes P. M., on motion of Senator Leavitt, the acting President declared the Senate adjourned until nine o'clock A. M. of Saturday, March 14, 1901.

IN SENATE.

SENATE CHAMBER,
Saturday, March 14, 1903. }

Pursuant to adjournment, the Senate met at nine o'clock A. M.

Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Diggs, Emmons, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—27.

Quorum present.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, March 13, 1903, the further reading was dispensed with, on motion of Senator Coggins.

APPROVAL OF JOURNAL.

The Journal of Thursday, March 12, 1903, having been corrected, was read and approved.

At nine o'clock and ten minutes A. M., Hon. Thomas Flint, Jr., President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY.

The following messages from the Assembly were taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as amended, Senate Bill No. 189—An Act making appropriation of the sum of \$10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco.

Also: Senate Bill No. 789—An Act to amend Section 307 of the Civil Code of the State of California, relating to the election of directors and the manner of voting for the same. And most respectfully request your honorable body to concur in said amendments.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 189?"

ASSEMBLY AMENDMENT.

Amend by striking out of section three, line one of the printed bill, the word "immediately," and inserting in lieu thereof the following: "January 1, 1904."

The roll was called, and the Assembly amendment to Senate Bill No. 189 concurred in by the following vote:

AYES—Senators Belshaw, Coggins, Corlett, Diggs, Emmons, Flint, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Rowell, Sanford, Savage, Smith, Tyrrell of Nevada, Ward, Williams, and Woodward—21.

NOES—None.

Senate Bill No. 189 ordered to enrollment.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 789?"

ASSEMBLY AMENDMENT.

Amend by inserting after the enacting clause, as follows:

"SECTION 1. Section three hundred and seven of the Civil Code is hereby amended so as to read as follows:"

The roll was called, and the Assembly amendment to Senate Bill No. 789 concurred in by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Diggs, Flint, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Ralston, Rowell, Sanford, Savage, Tyrrell of Nevada, Ward, Williams, and Woodward—22.

NOES—None.

Senate Bill No. 789 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 27—An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant.

Also: Senate Bill No. 238—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Also: Senate Bill No. 109—An Act to amend and re-enact Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home.

Also: Refused passage to Senate Bill No. 790—An Act to amend Section 4 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provision of the Constitution, without the Governor's approval, March 7, 1901.

Also: Refused passage to Senate Bill No. 225—An Act to add a new section to the Penal Code, to be numbered 401, relating to the regulation of the marketing, identifying, manufacturing, and sale of products of crude petroleum used for illuminating and fuel purposes.

Also: Refused passage to Senate Bill No. 477—An Act to amend Section 55 of the County Government Act, approved April 1, 1897, relating to the number of county officers and the consolidation of county offices.

CLIO LLOYD, Chief Clerk.
By JOHN H. HARNEY, Assistant.

Senate Bills Nos. 27, 238, and 109 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 627—An Act to prevent injury to oil or petroleum bearing strata or formations by infiltration or intrusion of water therein.

Also: As a case of urgency, Senate Bill No. 645—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or second-hand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

Also: Senate Bill No. 651—An Act to pay the claim of James T. Boyd.

Also: As a case of urgency, Senate Bill No. 882—An Act to add a new section to the Political Code of the State of California, to be known as Section 460, relating to the office of the Treasurer of State.

Also: As a case of urgency, Senate Bill No. 920—An Act to repeal an Act entitled "An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose," approved February 19, 1901.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Senate Bills Nos. 627, 645, 651, 882, and 920 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Bill No. 243—An Act relating to crimes and punishments.

Also: Passed, as a case of urgency, Assembly Bill No. 959—An Act to establish a California State dairy school and experiment farm, and to appropriate money therefor.

Also: Passed Assembly Bill No. 654—An Act to pay the claim of James Donahue against the State of California, and making an appropriation therefor.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Assembly Bill No. 243 read first time, and ordered on file without reference to committee.

Assembly Bill No. 959 read first time, and ordered on file without reference to committee.

Assembly Bill No. 654 read first time, and ordered on file without reference to committee.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to Assembly Bills Nos. 178, 310, 703, 671, and 770

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 330—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California.

Also: Senate Bill No. 359—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California, providing penalties for violations hereof, and to repeal an Act now in force relating to the same, and known as 'An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California,'" approved March 12, 1885," approved March 23, 1901, by amending Sections 10, 12, 14, 15, 19, and 25; repealing Sections 16, 17, 18, and adding a new section, to be numbered and designated Section 22½.

Also: Senate Bill No. 375—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.

Also: Senate Bill No. 423—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and town-ship governments," approved April 1, 1897, relating to the fees and salaries of certain county officers.

Also: Passed, as a case of urgency, Senate Bill No. 479—An Act relating to the appointment of registration clerks by the County Clerks, and the time for which said registration clerks shall hold office, also prescribing the powers and duties of said registration clerks.

Also: Passed, as a case of urgency, Senate Bill No. 516—An Act to regulate the work and hours of selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Also: Passed Senate Bill No. 625—An Act regulating the quality of illuminating gas manufactured and sold by any corporation or person, and fixing a forfeiture for failure to comply with the provisions of this Act.

CLIO LLOYD, Chief Clerk.
By J. P. GREELEY, Assistant.

Senate Bills Nos. 330, 359, 375, 423, 479, 516, and 625 ordered to enrollment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ELECTION AND ELECTION LAWS.

SENATE CHAMBER, SACRAMENTO, March 14, 1903.

MR. PRESIDENT: Your Committee on Elections and Election Laws, to whom was referred Assembly Bill No. 320—An Act to repeal an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved February 23, 1893—have had the same under consideration, and respectfully report the same back, and recommend that it do not pass.

BELSHAW, Chairman.

Assembly Bill No. 320 ordered on file.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the report of the Committee on Executive Communications having been made a special order for this hour, the same was taken up.

REPORT OF COMMITTEE ON EXECUTIVE COMMUNICATIONS.

SENATE CHAMBER, SACRAMENTO, March 13, 1903.

MR. PRESIDENT: Your Committee on Executive Communications, to whom was referred the following appointments:

Frederick W. Dohrmann, of San Francisco, a member of the Board of Regents of the University of California, in place of J. F. Houghton, deceased.

John A. Britton, of Oakland, a member of the Board of Regents of the University of California, in place of George C. Pardee, resigned.

Dr. Le Moyne Wills, of Los Angeles, a member of the State Board of Health, in place of F. G. Fay, appointment withdrawn.

Dr. O. Stansbury, of Chico, a member of the State Board of Health, in place of R. W. Hill, appointment withdrawn.

Dr. Wallace A. Briggs, of Sacramento, a member of the State Board of Health, in place of W. P. Mathews, appointment withdrawn.

Dr. Martin Regensburg, of San Francisco, a member of the State Board of Health, in place of C. L. Gregory, appointment withdrawn.

Dr. N. K. Foster, of Oakland, a member of the State Board of Health, in place of C. A. Ruggles, appointment withdrawn.

Dr. A. G. Hart, of Sacramento, a member of the State Board of Health, in place of Winslow Anderson, appointment withdrawn.

Charles H. Spear, of Berkeley, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of Paris Kilburn, term expired.

Charles N. Felton, of Menlo Park, a member of the State Board of Prison Directors, in place of Warren R. Porter, appointment withdrawn.

J. P. Greeley, of Santa Ana, a Trustee of the State Normal School at Los Angeles, in place of J. S. Collins, appointment withdrawn.

John Wasson, of Pomona, a Trustee of the State Normal School at Los Angeles, in place of Lee A. Phillips, appointment withdrawn.

Charles D. Willard, of Los Angeles, a Trustee of the State Normal School at Los Angeles, in place of H. W. O'Melveny, resigned.

Thomas Addison, of Berkeley, a Trustee of the State Normal School at San José, in place of H. C. Brown, appointment withdrawn.

P. K. Dow, of San José, a Trustee of the State Normal School at San José, in place of Frank W. Marston, appointment withdrawn.

C. C. Chapman, of Fullerton, a Trustee of the State Normal School at San Diego, in place of E. E. Swanton, appointment withdrawn.

Richard Belcher, of Marysville, a Trustee of the State Normal School at Chico, in place of himself, term expired.

E. B. Edson, of Gazelle, a Trustee of the State Normal School at Chico, in place of F. W. Johnson, appointment withdrawn.

F. A. Hyde, of San Francisco, a Trustee of the State Normal School at San Francisco, in place of himself, appointment withdrawn.

Frank W. Marston, of San Francisco, a Trustee of the State Normal School at San Francisco, in place of William J. Hawkins, appointment withdrawn.

Vanderlyn Stow, of San Francisco, a Trustee of the State Normal School at San Francisco, in place of himself, appointment withdrawn.

A. J. Ralston, of Berkeley, a member of the Board of Directors of the Deaf, Dumb, and Blind Asylum, in place of George W. Reed, appointment withdrawn.

W. W. Garthwaite, of Oakland, a member of the Board of Directors of the Deaf, Dumb, and Blind Asylum, in place of Henry Pierce, deceased.

Walter Lindley, of Los Angeles, a Trustee of the Whittier State School, in place of himself, appointment withdrawn.

James Clarke, of Pasadena, a Trustee of the Whittier State School, in place of himself, appointment withdrawn.

William Thomas, of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of J. T. Harrington, of Colusa, term expired.

C. E. Haven, of Santa Rosa, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of C. Walter Gould, appointment withdrawn.

Rev. A. C. Bane, of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of himself, appointment withdrawn.

Rev. William Lyons, of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of himself, appointment withdrawn.

Robert A. Poppe, of Sonoma, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of H. E. Leland, appointment withdrawn.

E. M. Freeman, of Oakland, a member of the Board of Pilot Commissioners for the Port of San Francisco, Mare Island, and Benicia, in place of W. G. Leale.

H. Z. Howard, of San Francisco, a member of the Board of Pilot Commissioners for the Port of San Francisco, Mare Island, and Benicia, in place of R. S. Alexander, resigned.

M. C. Erskine, of San Francisco, a member of the Board of Pilot Commissioners for the Port of San Francisco, Mare Island, and Benicia, in place of C. H. S. Pratt.

Eugene DeBurn, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of Charles P. Douglass, appointment withdrawn.

W. H. Pringle, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of Robert H. Benton, appointment withdrawn.

C. W. Oesting, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of G. B. Grow, deceased.

Dr. Matthew Gardner, a member of the State Board of Health, in place of Dr. W. B. Coffey, resigned.

George W. Marston, a Trustee of the State Normal School at San Diego, in place of George Fuller, resigned.

Have had the same under consideration, and respectfully report the same back, and recommend that the Senate do advise and consent to the nominations of the Governor.

LEAVITT, Chairman.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Frederick W. Dohrmann, of San Francisco, a member of the Board of Regents of the University of California, in place of J. F. Houghton, deceased?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Diggs, Emmons, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Smith, Ward, Welch, Wolfe, and Woodward—26.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Frederick W. Dohrmann, of San Francisco, a member of the Board of Regents of the University of California, in place of J. F. Houghton, deceased, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of John A. Britton, of Oakland, a member of the Board of Regents of the University of California, in place of George C. Pardee, resigned?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Ward, Wolfe, and Woodward—24.

NOES—None.

Whereupon the President pro tem. announced that the appointment of John A. Britton, of Oakland, a member of the Board of Regents of the University of California, in place of George C. Pardee, resigned, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Dr. Le Moyne Wills, of Los Angeles, a member of the State Board of Health, in place of F. G. Fay, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Emmons, Flint, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Nelson, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Ward, Welch, Wolfe, and Woodward—28.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Dr. Le Moyne Wills, of Los Angeles, a member of the State Board of Health, in place of F. G. Fay, appointment withdrawn, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Dr. O. Stansbury, of Chico, a member of the State Board of Health, in place of R. W. Hill, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Ward, Welch, Wolfe, and Woodward—26.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Dr. O. Stansbury, of Chico, a member of the State Board of Health, in place of R. W. Hill, appointment withdrawn, had been duly confirmed.

The President pro tem. put the question, "Will the Senate advise and consent to the appointment of Dr. Wallace A. Briggs, of Sacramento, a member of the State Board of Health, in place of W. P. Mathews, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Caldwell, Coggins, Corlett, Diggs, Flint, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Lukens, Muentner, Nelson, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Ward, Welch, Wolfe, and Woodward—27.

NOES—None.

Whereupon the President pro tem. announced that the appointment of Dr. Wallace A. Briggs, of Sacramento, a member of the State Board of Health, in place of W. P. Mathews, appointment withdrawn, had been duly confirmed.

At nine o'clock and fifteen minutes P. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

The acting President put the question, "Will the Senate advise and consent to the appointment of Dr. Martin Regensburger, of San Fran-

cisco, a member of the State Board of Health, in place of C. L. Gregory, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Rowell, Sanford, Savage, Smith, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—28.

NOES—None.

Whereupon the acting President announced that the appointment of Dr. Martin Regensburger, of San Francisco, a member of the State Board of Health, in place of C. L. Gregory, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of Dr. N. K. Foster, of Oakland, a member of the State Board of Health, in place of C. A. Ruggles, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Ward, Wolfe, and Woodward—25.

NOES—None.

Whereupon the acting President announced that the appointment of Dr. N. K. Foster, of Oakland, a member of the State Board of Health, in place of C. A. Ruggles, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of Dr. A. G. Hart, of Sacramento, a member of the State Board of Health, in place of Winslow Anderson, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, French, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Welch, Wolfe, and Woodward—24.

NOES—None.

Whereupon the acting President announced that the appointment of Dr. A. G. Hart, of Sacramento, a member of the State Board of Health, in place of Winslow Anderson, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of Charles H. Spear, of Berkeley, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of Paris Kilburn, term expired?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of Nevada, Ward, Welch, and Wolfe—30.

NOES—None.

Whereupon the acting President announced that the appointment of Charles H. Spear, of Berkeley, a member of the Board of State Harbor Commissioners for the Harbor and Port of San Francisco, in place of Paris Kilburn, term expired, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of Charles N. Felton, of Menlo Park, a

member of the State Board of Prison Directors, in place of Warren R. Porter, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, O Neal, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Ward, Welch, Williams, Wolfe, and Woodward—29.

NOES—None.

Whereupon the acting President announced that the appointment of Charles N. Felton, of Menlo Park, a member of the State Board of Prison Directors, in place of Warren R. Porter, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of J. P. Greeley, of Santa Ana, a Trustee of the State Normal School at Los Angeles, in place of J. S. Collins, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, O Neal, Ralston, Rowell, Smith, Ward, Welch, Wolfe, and Woodward—24.

NOES—None.

Whereupon the acting President announced that the appointment of J. P. Greeley, of Santa Ana, a Trustee of the State Normal School at Los Angeles, in place of J. S. Collins, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of John Wasson, of Pomona, a Trustee of the State Normal School at Los Angeles, in place of Lee A. Phillips, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, French, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, O Neal, Ralston, Rowell, Savage, Selvage, Smith, Ward, Williams, Wolfe, and Woodward—28.

NOES—None.

Whereupon the acting President announced that the appointment of John Wasson, of Pomona, a Trustee of the State Normal School at Los Angeles, in place of Lee A. Phillips, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of Charles D. Willard, of Los Angeles, a Trustee of the State Normal School at Los Angeles, in place of H. W. O'Melveney, resigned?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Devlin, Diggs, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Plunkett, Ralston, Rowell, Tyrell of Nevada, Ward, Welch, Wolfe, and Woodward—22.

NOES—None.

Whereupon the acting President announced that the appointment of Charles D. Willard, of Los Angeles, a Trustee of the State Normal School at Los Angeles, in place of H. W. O'Melveney, resigned, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of Thomas Addison, of Berkeley, a Trustee

of the State Normal School at San José, in place of H. C. Brown, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Ralston, Rowell, Savage, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—24.

NOES—None.

Whereupon the acting President announced that the appointment of Thomas Addison, of Berkeley, a Trustee of the State Normal School at San José, in place of H. C. Brown, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of P. K. Dow, of San José, a Trustee of the State Normal School at San José, in place of Frank W. Marston, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Ralston, Rowell, Sanford, Smith, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—27.

NOES—None.

Whereupon the acting President announced that the appointment of P. K. Dow, of San José, a Trustee of the State Normal School at San José, in place of Frank W. Marston, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of C. C. Chapman, of Fullerton, a Trustee of the State Normal School at San Diego, in place of E. E. Swanton, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Emmons, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Ralston, Rowell, Sanford, Tyrrell of Nevada, Ward, Welch, Wolfe, and Woodward—25.

NOES—None.

Whereupon the acting President announced that the appointment of C. C. Chapman, of Fullerton, a Trustee of the State Normal School at San Diego, in place of E. E. Swanton, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of Richard Belcher, of Marysville, a Trustee of the State Normal School at Chico, in place of himself, term expired?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Rowell, Sanford, Savage, Tyrrell of Nevada, Ward, Wolfe, and Woodward—24.

NOES—None.

Whereupon the acting President announced that the appointment of Richard Belcher, of Marysville, a Trustee of the State Normal School at Chico, in place of himself, term expired, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of E. B. Edson, of Gazelle, a Trustee of the State Normal School at Chico, in place of F. W. Johnson, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Ward, Wolfe, and Woodward—25.

NOES—None.

Whereupon the acting President announced that the appointment of E. B. Edson, of Gazelle, a Trustee of the State Normal School at Chico, in place of F. W. Johnson, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of F. A. Hyde, of San Francisco, a Trustee of the State Normal School at San Francisco, in place of himself, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Tyrrell of Nevada, Welch, Wolfe, and Woodward—21.

NOES—None.

Whereupon the acting President announced that the appointment of F. A. Hyde, of San Francisco, a Trustee of the State Normal School at San Francisco, in place of himself, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of Frank W. Marston, of San Francisco, a Trustee of the State Normal School at San Francisco, in place of William J. Hawkins, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Savage, Ward, Welch, and Woodward—24.

NOES—None.

Whereupon the acting President announced that the appointment of Frank W. Marston, of San Francisco, a Trustee of the State Normal School at San Francisco, in place of William J. Hawkins, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of Vanderlyn Stow, of San Francisco, a Trustee of the State Normal School at San Francisco, in place of himself, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Savage, Selvage, Smith, Ward, Welch, Wolfe, and Woodward—27.

NOES—None.

Whereupon the acting President announced that the appointment of Vanderlyn Stow, of San Francisco, a Trustee of the State Normal School at San Francisco, in place of himself, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of A. J. Ralston, of Berkeley, a member of the Board of Directors of the Deaf, Dumb, and Blind Asylum, in place of George W. Reed, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Lardner, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Savage, Selvage, Ward, Welch, Williams, Wolfe, and Woodward—26.

NOES—Senator Leavitt—1.

Whereupon the acting President announced that the appointment of A. J. Ralston, of Berkeley, a member of the Board of Directors of the Deaf, Dumb, and Blind Asylum, in place of George W. Reed, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of W. W. Garthwaite, of Oakland, a member of the Board of Directors of the Deaf, Dumb, and Blind Asylum, in place of Henry Pierce, deceased?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Devlin, Diggs, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—25.

NOES—None.

Whereupon the acting President announced that the appointment of W. W. Garthwaite, of Oakland, a member of the Board of Directors of the Deaf, Dumb, and Blind Asylum, in place of Henry Pierce, deceased, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of Walter Lindley, of Los Angeles, a Trustee of the Whittier State School, in place of himself, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Flint, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Ralston, Rowell, Sanford, Selvage, Ward, Welch, Williams, Wolfe, and Woodward—26.

NOES—None.

Whereupon the acting President announced that the appointment of Walter Lindley, of Los Angeles, a Trustee of the Whittier State School, in place of himself, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of James Clarke, of Pasadena, a Trustee of the Whittier State School, in place of himself, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Nelson, Ralston, Rowell, Sanford, Savage, Ward, Wolfe, and Woodward—21.

NOES—None.

Whereupon the acting President announced that the appointment of James Clarke, of Pasadena, a Trustee of the Whittier State School, in place of himself, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of William Thomas, of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of J. T. Harrington, of Colusa, term expired?"

The roll was called, with the following result:

AYES—Senators Bauer, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Ralston, Rowell, Sanford, Savage, Selvage, Ward, Welch, Williams, Wolfe, and Woodward—24.

NOES—None.

Whereupon the acting President announced that the appointment of William Thomas, of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of J. T. Harrington, of Colusa, term expired, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of C. E. Haven, of Santa Rosa, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of C. Walter Gould, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Flint, Hahn, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Rowell, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—25.

NOES—None.

Whereupon the acting President announced that the appointment of C. E. Haven, of Santa Rosa, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of C. Walter Gould, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of Rev. A. C. Bane, of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of himself, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Ralston, Rowell, Sanford, Savage, Selva, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, Wolfe, and Woodward—29.

NOES—None.

Whereupon the acting President announced that the appointment of Rev. A. C. Bane, of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of himself, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of Rev. William Lyons, of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of himself, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Lardner, Luchsinger, Lukens, Nelson, Oneal, Plunkett, Rowell, Sanford, Savage, Selva, Tyrrell of San Francisco, Ward, Welch, Williams, Wolfe, and Woodward—27.

NOES—None.

Whereupon the acting President announced that the appointment of Rev. William Lyons, of San Francisco, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of himself, appointment withdrawn, had been duly confirmed.

At nine o'clock and thirty minutes A. M., Hon. J. B. Curtin, State Senator from the Twelfth Senatorial District, in the chair.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Lukens:

WHEREAS, The Secretary of the Senate has received a communication from the Hon. George C. Perkins, one of the Senators in Congress from the State of California, from which it appears that in response to Senate Joint Resolution No. 15, requesting our Senators and Representatives in Congress to use their influence to have one of the projected United States battleships constructed at the Mare Island Navy Yard, Senator Perkins has, in his capacity as a member of the conference committee to which the subject was referred, secured from said committee a report favorable to the policy of Senate Joint Resolution No. 15 aforesaid; and further and in addition thereto, has obtained from Secretary of War Moody assurances that one of the smaller battleships or a training ship will be constructed at the Mare Island Navy Yard; now, therefore, be it

Resolved by the Senate, That we hereby express our high gratification to the Hon. George C. Perkins for his prompt response to the request of the said Joint Resolution, and for the success that has met his efforts on behalf of California; be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Hon. George C. Perkins.

Resolution read.

SPECIAL ORDER SET.

The consideration of the foregoing resolution was, on motion of Senator Lukens, made a special order for ten o'clock A. M. of this day.

CONSIDERATION OF APPOINTMENTS BY THE GOVERNOR—(RESUMED).

The acting President put the question, "Will the Senate advise and consent to the appointment of Robert A. Poppe, of Sonoma, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of H. E. Leland, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Lardner, Leavitt, Luchsinger, Lukens, Onal, Pendleton, Plunkett, Ralston, Rowell, Sanford, Savage, Williams, Wolfe, and Woodward—25.

NOES—None.

Whereupon the acting President announced that the appointment of Robert A. Poppe, of Sonoma, a member of the Board of Trustees of the California Home for the Care and Training of Feeble-Minded Children, in place of H. E. Leland, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of E. M. Freeman, of Oakland, a member of the Board of Pilot Commissioners for the Port of San Francisco, Mare Island, and Benicia, in place of W. G. Leale?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Nelson, Plunkett, Ralston, Rowell, Sanford, Savage, Selvage, Tyrrell of San Francisco, Williams, and Woodward—25.

NOES—None.

Whereupon the acting President announced that the appointment of E. M. Freeman, of Oakland, a member of the Board of Pilot Commissioners for the Port of San Francisco, Mare Island, and Benicia, in place of W. G. Leale, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of H. Z. Howard, of San Francisco, a mem-

ber of the Board of Pilot Commissioners for the Port of San Francisco, Mare Island, and Benicia, in place of R. S. Alexander, resigned?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Hahn, Hubbell, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Rowell, Selvage, Tyrrell of San Francisco, Welch, Williams, and Woodward—23.

NOES—None.

Whereupon the acting President announced that the appointment of H. Z. Howard, of San Francisco, a member of the Board of Pilot Commissioners for the Port of San Francisco, Mare Island, and Benicia, in place of R. S. Alexander, resigned, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of M. C. Erskine, of San Francisco, a member of the Board of Pilot Commissioners for the Port of San Francisco, Mare Island, and Benicia, in place of C. H. S. Pratt?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Hahn, Leavitt, Luchsinger, Lukens, Nelson, Pendleton, Plunkett, Rowell, Savage, Selvage, Ward, Williams, and Woodward—21.

NOES—None.

Whereupon the acting President announced that the appointment of M. C. Erskine, of San Francisco, a member of the Board of Pilot Commissioners for the Port of San Francisco, Mare Island, and Benicia, in place of C. H. S. Pratt, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of Eugene DeBurn, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of Charles P. Douglass, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Pendleton, Plunkett, Rowell, Savage, Selvage, Tyrrell of Nevada, Ward, and Woodward—23.

NOES—None.

Whereupon the acting President announced that the appointment of Eugene DeBurn, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of Charles P. Douglass, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of W. H. Pringle, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of Robert H. Benton, appointment withdrawn?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Curtin, Devlin, Diggs, Hahn, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Muentner, Oneal, Pendleton, Rowell, Savage, Tyrrell of Nevada, Ward, and Woodward—22.

NOES—None.

Whereupon the acting President announced that the appointment of W. H. Pringle, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of Robert H. Benton, appointment withdrawn, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of C. W. Oesting, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of G. B. Grow, deceased?"

The roll was called, with the following result :

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Knowland, Leavitt, Luchsinger, Lukens, Pendleton, Plunkett, Savage, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—23.
 NOES—None.

Whereupon the acting President announced that the appointment of C. W. Oesting, of San Diego, a member of the Board of State Harbor Commissioners for the Bay of San Diego, in place of G. B. Grow, deceased, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of Dr. Matthew Gardner, of San Francisco, a member of the State Board of Health, in place of Dr. W. B. Coffey, resigned?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Hubbell, Knowland, Leavitt, Luchsinger, Lukens, Plunkett, Rowell, Savage, Tyrrell of Nevada, Ward, Williams, and Woodward—21.
 NOES—None.

Whereupon the acting President announced that the appointment of Dr. Matthew Gardner, a member of the State Board of Health, in place of Dr. W. B. Coffey, resigned, had been duly confirmed.

The acting President put the question, "Will the Senate advise and consent to the appointment of George W. Marston, a member of the Board of Trustees of the State Normal School at San Diego, vice George Fuller, resigned?"

The roll was called, with the following result:

AYES—Senators Bauer, Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Hahn, Knowland, Leavitt, Muentner, Nelson, Plunkett, Rowell, Sanford, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, and Woodward—21.
 NOES—None.

Whereupon the acting President announced that the appointment of George W. Marston, a member of the Board of Trustees of the State Normal School at San Diego, vice George Fuller, resigned, had been duly confirmed.

At nine o'clock and forty minutes A. M., Hon. F. W. Leavitt, State Senator from the Sixteenth Senatorial District, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 14, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 129—An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California, and making appropriation therefor.

Senate Bill No. 385—An Act making an appropriation to pay the claim of Clark & Henery, for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California.

Senate Bill No. 345—An Act to provide for the location, construction, and maintenance of a State highway from a point on the California & Oregon Railroad, near the mouth of Slate Creek, in Shasta County; thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth; thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor.

Senate Bill No. 534—An Act to repeal Section 1718 of the Code of Civil Procedure, relating to the appointment of attorneys in proceedings for the settlement of estates of deceased persons.

Senate Bill No. 660—An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation.

Senate Bill No. 670—An Act making an appropriation for traveling expenses of the Attorney-General for the remainder of the fifty-fourth fiscal year.

Substitute for Senate Bills Nos. 638, 881, 643, and Assembly Bill No. 586—An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895.

Senate Bill No. 574—An Act to amend an Act entitled "An Act to regulate the practice of architecture, approved March 23, 1901," adding a new section thereto, to be numbered Section 7, relating to an annual license fee.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 14th day of March, 1903, at ten o'clock and forty minutes A. M.

HUBBELL, Chairman.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Belshaw:

Resolved, That Assembly Bills Nos. 86, 89, 90, 91, 94, 96, and 346 be now taken up and put upon their final passage.

Resolution read and adopted.

CONSIDERATION OF ASSEMBLY BILLS.

Assembly Bill No. 86—An Act to appropriate \$410 to pay the claim of L. C. Waite against the State of California upon a judgment recovered in an action entitled "L. C. Waite vs. The State of California," numbered 9612 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 86 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Leavitt, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, and Woodward—24.

NOES—Senator Bauer—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 89—An Act to appropriate \$3,350 to pay the claim of John F. Pryor against the State of California upon a judgment recovered in an action entitled "John F. Pryor vs. The State of California," numbered 9614 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 89 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Luchsinger, Nelson, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, and Woodward—21.

NOES—Senator Bauer—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 90—An Act to appropriate \$2,085 to pay the claim of E. Weisbaum against the State of California upon a judgment recovered in an action entitled "E. Weisbaum vs. The State of California," numbered 9615 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 90 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Muentner, Nelson, Plunkett, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, and Woodward—22.

NOES—Senators Bauer and Wolfe—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 91—An Act to appropriate \$590 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 9616 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 91 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Diggs, Flint, Hahn, Hubbell, Lardner, Muentner, Nelson, Oneal, Rowell, Sanford, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Ward, and Woodward—22.

NOES—Senators Bauer and Wolfe—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 94—An Act to appropriate \$640 to pay the claim of N. Weisbaum against the State of California upon a judgment recovered in an action entitled "N. Weisbaum vs. The State of California," numbered 80,125 upon the register of the Superior Court of the City and County of San Francisco.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 94 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Muentner, Nelson, Rowell, Sanford, Savage, Selvage, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—23.

NOES—Senators Bauer and Wolfe—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 96—An Act to appropriate \$815 to pay the claim of C. A. Weaver against the State of California upon a judgment recovered in an action entitled "C. A. Weaver vs. The State of California," numbered 9609 upon the register of the Superior Court of the County of Sacramento.

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 96 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Muentner, Nelson, Rowell, Sanford, Savage, Selva, Smith, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Williams, and Woodward—23.

NOES—Senators Bauer and Wolfe—2.

Title read and approved.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 346—An Act to appropriate \$55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California."

Read third time.

The question being on the passage of the bill.

The roll was called, and Assembly Bill No. 346 finally passed by the following vote:

AYES—Senators Belshaw, Bunkers, Byrnes, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Hahn, Hubbell, Knowland, Muentner, Nelson, Rowell, Sanford, Savage, Selva, Smith, Tyrrell of Nevada, Ward, and Woodward—22.

NOES—Senators Bauer, Oneal, and Wolfe—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Nelson:

Resolved, That the Controller be and is hereby directed to draw his warrant in favor of C. S. MacMullan for \$250 in payment for services rendered, at the instance of the Governor, in experting the Journals of the Senate. The Treasurer is hereby directed to pay the same.

Resolution read, and referred to Committee on Contingent Expenses and Mileage.

MESSAGE FROM THE GOVERNOR.

On motion of Senator Belshaw, the following message from the Governor was taken up and read:

• EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 13, 1903.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have approved Senate Bill No. 382—An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co.

Also: Senate Bill No. 406—An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 625a.

Also: Senate Bill No. 594—An Act to prohibit the use of the bristle-bur, tack-bur, or other like devices on horses or other animals in this State.

Also: Senate Bill No. 328—An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property.

Also: Senate Bill No. 85—An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872.

Also: Committee Substitute for Senate Bill No. 11—An Act to amend Section 17 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the definition of certain words.

Also: Senate Bill No. 420—An Act authorizing any teacher or public officer who is now a contributor to the public school teachers' annuity and retirement fund to cease to be a contributor to such fund, etc.

Also: Senate Bill No. 41—An Act appropriating the sum of \$2,345.75 to pay the claim of the Pacific Coast Steamship Company.

Also: Senate Bill No. 793—An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting.

GEO. C. PARDEE,
Governor of California.

APPROVAL OF JOURNAL.

The Journal of Friday, March 13, 1903, having been corrected, was read and approved.

At nine o'clock and fifty-five minutes A. M., Hon. C. M. Belshaw, State Senator from the Eleventh Senatorial District, in the chair.

REPORTS OF STANDING COMMITTEE—(OUT OF ORDER).

The following reports of standing committee were received:

ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 14, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the attached bill, have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of five dollars (\$5), in payment of attached bill, and the Treasurer is directed to pay the same.

Also: Your Committee on Contingent Expenses and Mileage, to whom was referred the attached bill, have had the same under consideration, and respectfully report the same back, and recommend the adoption of the following resolution:

Resolved, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of the Secretary of Senate, for the sum of three and fifty-eight one hundredths dollars (\$3.58), in payment of bill for Postal Telegraph Company, and the Treasurer is hereby directed to pay the same.

FLINT, Chairman.

Also:

SENATE CHAMBER, SACRAMENTO, March 14, 1903.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following:

Resolved, That the Secretary of the Senate be and he is hereby authorized and directed to compile, prepare, and have printed a final calendar of the legislative business of the thirty-fifth session, embracing a history of all bills introduced, their authors, the number that have become laws, those that have been read the second readings, and all other information that will create a perfect guide and history of the session's business. Together with this shall be the expenses of the Senate and Assembly, and of printing; such information being prepared not only for the public, but as a guide for the thirty-sixth session of the Legislature. For the purpose of carrying out this work, the Controller is hereby directed to draw his warrant for the sum of \$550 in favor of F. J. Brandon, \$50 of which is to pay the postage and expenses in forwarding copies to each member of the Legislature and the Treasurer is directed to pay the same.

Also:

Resolved, That the Controller is hereby directed to draw his warrants, and the Treasurer to pay the same out of the Contingent Fund of the Senate in the amounts of \$50 each to D. G. Holt, Minute Clerk, John Carew and Seren N. Marsh, Assistant Minute Clerks, for their services for remaining after final adjournment for properly pasting together, arranging, and labeling the original minutes which, according to law, must be properly signed and delivered to the Secretary of State, receipt being obtained and given therefor; and be it further

Resolved, That the State Printer is hereby directed to deliver the minutes of the last day of the session to the Minute Clerk within two weeks.

Also:

Resolved, That W. R. Porter, Engrossing and Enrolling Clerk of the Senate, be and he is hereby employed, after the adjournment of the thirty-fifth session of the Legislature of the State of California, for the purpose of completing the work devolving upon him as such Engrossing and Enrolling Clerk, the work to be done under the supervision and to the satisfaction of the Secretary of the Senate, and on the completion of such work, and the delivery of the books and papers appertaining to said office of Engrossing and Enrolling Clerk, so completed, to the Secretary of the Senate, said Secretary shall certify said fact to the Controller, who shall thereupon draw his warrant on the Contingent Fund of the Senate in favor of said W. R. Porter for the sum of \$50, and the State Treasurer is hereby directed to pay the same.

Also:

Resolved, That Clark Alberti, Assistant Secretary of the Senate, is hereby employed and authorized to assist the Secretary of the Senate in compiling and preparing the final calendar of the legislative business of the thirty-fifth session of the Legislature. For said services the Controller of State is hereby authorized and directed to draw his warrant in favor of said Clark Alberti in the sum of \$50, payable out of the Contingent Fund of the Senate, and the Treasurer of State is directed to pay the same.

Also:

Resolved, That the Controller of State is hereby directed to draw his warrant, and the Treasurer of State to pay the same out of the Contingent Fund of the Senate, in the amount of \$50, in favor of Frank Armstrong, Assistant Minute Clerk, for his services for remaining after final adjournment, to properly paste together, arrange, and label the original minutes, which, according to law, must be properly signed and delivered to the Secretary of State.

Also:

Resolved, That Bruce Huggins, Chas. Tuttle, E. D. Holley, and W. Lanktree be and they are hereby employed as Bill Clerks for four days after the adjournment of the thirty-fifth session of the Legislature, at the same per diem now received by them for the same services, payable out of the Contingent Fund of the Senate, and the Controller is hereby authorized to draw his warrant for the said amounts, and the Treasurer is directed to pay the same.

Also:

Resolved, That Wm. F. James be and he is hereby employed for the week next immediately succeeding the adjournment of the present session of the Legislature, as Assistant Journal Clerk of the Senate, at the per diem compensation now received by him, and the Controller of State is hereby directed to draw his warrant in favor of said Wm. F. James for the amount of said compensation, and the Treasurer of State is hereby directed to pay the same.

Also:

Resolved, That J. F. Hansen, Mailing Clerk of the Senate, be and he is hereby employed after the final adjournment of this session of the Legislature for the purpose of mailing throughout the State, as ordered by the Senate resolution adopted, all legislative matter that has not already been sent, and the Controller is hereby authorized to draw his warrant on the State Treasurer in favor of said J. F. Hansen for the amount of \$28, and the Treasurer is directed to pay the same.

Also:

Resolved, That Charles Tuttle, a Bill Clerk of this Senate, and E. D. Holley, Assistant Sergeant-at-Arms, be employed for a period not exceeding four days, or such less time as may be necessary, after the adjournment of the thirty-fifth session of the Legislature, at a per diem of \$4, payable out of the Contingent Fund of the Senate, to perform such labor as the Sergeant-at-Arms may direct, and the Controller is hereby authorized to draw his warrant for the amount, and the Treasurer is directed to pay the same.

Also:

Resolved, That Joseph E. Pipher be and he is hereby allowed the sum of ten (\$10) dollars, payable out of the Contingent Fund of the Senate, for services rendered to the Committee on Mines and Mining, and the Controller is authorized to draw his warrant for same payable to Joseph E. Pipher.

Also:

Resolved, That P. Krepper be and he is hereby allowed the sum of \$60 for services rendered as Committee Clerk during the session, and the Controller is authorized to draw his warrant for said amount, and the Treasurer is directed to pay the same.

Have had the same under consideration and respectfully report the same back, and recommend the adoption of the following resolution, as a substitute for all of said resolutions:

Resolved, That the following persons be and they are hereby allowed the sums set opposite their respective names, for services rendered to the Senate, and for work to be performed after the close of the session. The Controller of State is hereby directed to draw his warrant on the Contingent Fund of the Senate for the several amounts; and the Treasurer is hereby directed to pay the same:

I. M. King, Journal Clerk.....	\$25 00
M. Thompson, Assistant Journal Clerk.....	25 00
T. M. Marios, Assistant Journal Clerk.....	25 00
S. Wacholder, History Clerk.....	25 00
D. G. Holt, Minute Clerk.....	50 00
John Carew, Assistant Minute Clerk.....	25 00
S. N. Marsh, Assistant Minute Clerk.....	25 00
J. Cal Ewing, Bookkeeper.....	25 00
L. J. Martin, Sergeant-at-Arms.....	76 00
A. B. Adams, Assistant at Desk.....	25 00
Clark Alberti, Assistant Secretary.....	25 00
Frank Armstrong, Assistant Minute Clerk.....	25 00

W. R. Porter, Engrossing and Enrolling Clerk.....	\$25 00
F. J. Brandon, for compiling Final History.....	150 00
I. S. Logan, Assistant in compiling Final History.....	25 00
F. L. Thomas, Assistant in compiling Final History.....	25 00
Kate Neilson, Stenographer and Clerk.....	25 00

\$626 00

Also: That the following resolution be adopted:

Resolved, That the Controller be and is hereby directed to draw his warrant in favor of C. S. MacMullan for two hundred and fifty dollars (\$250), in payment for services rendered, at the instance of the Governor, in expediting the Journals of the Senate. The Treasurer is hereby directed to pay the same.

FLINT, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions adopted by the following vote:

AYES—Senators Bauer, Belshaw, Bunkers, Caldwell, Coggins, Corlett, Curtin, Devlin, Diggs, Flint, Greenwell, Hahn, Hubbell, Lardner, Nelson, Pendleton, Rowell, Sanford, Savage, Selvage, Smith, Ward, Wolfe, and Woodward—24.

NOES—None.

At ten o'clock A. M., Hon. C. W. Pendleton, State Senator from the Thirty-eighth Senatorial District, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The consideration of the resolution offered by Senator Lukens, relative to the response of United States Senator George C. Perkins to Senate Joint Resolution No. 18, having been made a special order for this hour, the same was taken up.

WHEREAS, The Secretary of the Senate has received a communication from the Hon. George C. Perkins, one of the Senators in Congress from the State of California, from which it appears that in response to Senate Joint Resolution No. 15, requesting our Senators and Representatives in Congress to use their influence to have one of the projected United States battleships constructed at the Mare Island Navy Yard, Senator Perkins has, in his capacity as a member of the conference committee to which the subject was referred, secured from said committee a report favorable to the policy of Senate Joint Resolution No. 15 aforesaid; and further and in addition thereto, has obtained from Secretary of War Moody assurances that one of the smaller battleships or a training ship will be constructed at the Mare Island Navy Yard; now, therefore, be it

Resolved by the Senate, That we hereby express our high gratification to the Hon. George C. Perkins for his prompt response to the request of the said joint resolution, and for the success that has met his efforts on behalf of California; be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Hon. George C. Perkins.

Resolution read and adopted.

RECESS.

At ten o'clock and five minutes A. M., on motion of Senator Belshaw, the acting President declared the Senate at recess until eleven o'clock and forty-five minutes A. M. of this day.

RECONVENED.

At eleven o'clock and forty-five minutes A. M. the Senate reconvened. Lieutenant-Governor Alden Anderson, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Belshaw, Caldwell, Coggins, Corlett, Curtin, Diggs, Flint, Hahn, Hubbell, Lardner, Leavitt, Luchsinger, Lukens, Muentner, Nelson, Oneal, Pendleton, Ralston, Rowell, Sanford, Selvage, Shortridge, Smith, Ward, Wolfe, and Woodward—26.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 14, 1903.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 563—An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State, for the improvement and rectification of the channels of innavigable streams and watercourses, for the prevention of the overflow thereof, by widening, deepening, and straightening and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts and improvements.

Senate Bill No. 469—An Act to repeal an Act entitled "An Act concerning the fees of jurors and witnesses in the City and County of San Francisco," approved February 27, 1866.

Committee Substitute for Senate Constitutional Amendment No. 2—To propose to the people of the State of California amending the Constitution of the State of California by amending Sections 1, 4, 10, 12, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary, and establishing courts of appeal.

Senate Bill No. 43—An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor.

Senate Bill No. 889—An Act to pay the claim of Louis Shuckman, and making an appropriation therefor.

Senate Bill No. 899—An Act amending the Civil Code of the State of California, by adding thereto a new section, numbered 605, authorizing corporations now or hereafter organized for purposes other than profit to consolidate their debts, property, assets and franchises, with any other like associations or corporations, either created under the laws of the State of California or under the laws of any other State or Territory.

Senate Bill No. 523—An Act to amend Section 1095 of the Political Code of the State of California, relating to the registration of voters.

Senate Bill No. 304—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers.

Senate Bill No. 905—An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, and as amended March 23, 1901, by amending Section 190 thereof, relating to counties of the thirty-third class.

Senate Bill No. 906—An Act to authorize cities to acquire and operate a joint system or systems of water supply.

Senate Bill No. 514—An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 36 thereof, relating to the powers and duties of Boards of Supervisors.

Senate Bill No. 925—An Act to purchase from William Cogswell two paintings, one of ex-President Abraham Lincoln and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of \$1,500 therefor.

Senate Bill No. 470—An Act to appropriate the sum of \$185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California, upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California, in and for the County of Merced.

Senate Bill No. 907—An Act to appropriate money for the purchase of a silver service for the cruiser "California."

Senate Bill No. 189—An Act making appropriation of the sum of \$10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco.

Senate Bill No. 789—An Act to amend Section 307 of the Civil Code of the State of California, relating to the election of directors and the manner of voting for the same.

Senate Bill No. 238—An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose.

Senate Bill No. 109—An Act to amend Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home.

Senate Bill No. 627—An Act to prevent injury to oil or petroleum bearing strata or formations by the infiltration or intrusion of water therein.

Senate Bill No. 645—An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or second-hand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor.

Senate Bill No. 651—An Act to pay the claim of James T. Boyd.

Senate Bill No. 920—An Act to repeal an Act entitled "An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose," approved February 19, 1901.

Senate Bill No. 882—An Act to add a new section to the Political Code of the State of California, to be known as Section 460, relating to the office of the Treasurer of State.

Senate Bill No. 330—An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California.

Senate Bill No. 359—An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, providing penalties for the violation hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of California, approved March 12, 1885,' approved March 23, 1901," by amending Sections 10, 12, 14, 15, 19, and 25, repealing Sections 16, 17, 18, and adding a new section to be numbered and designated Section 21½.

Senate Bill No. 375—An Act for the protection of the viticultural interests of the State, and making an appropriation therefor.

Senate Bill No. 423—An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the fees and salaries of certain county officers.

Senate Bill No. 479—An Act relating to the appointment of registration clerks, by the County Clerks, and the term for which said registration clerk shall hold office, also prescribing the powers and duties of said registration clerks.

Senate Bill No. 516—An Act to regulate the work and hours of employes engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

Senate Bill No. 625—An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture.

Senate Bill No. 922—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon.

And report that the same have been correctly enrolled, and presented the same to the Governor on this 14th day of March, 1903, at eleven o'clock and forty-five minutes A. M.

HUBBELL, Chairman.

REPORT OF ASSEMBLY COMMITTEE.

An Assembly committee, Mr. Johnson, chairman, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared for final adjournment.

RESOLUTION.

The following resolution was offered:

By Senator Belshaw:

Resolved, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn, and ask if the Assembly has any further communication to transmit to the Senate.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Belshaw, Flint, and Sanford to notify the Assembly of the readiness of the Senate to adjourn sine die.

RESOLUTION.

The following resolution was offered:

By Senator Lukens:

Resolved, That a committee of three be appointed to notify the Governor that the Senate is ready to adjourn, and ask if he has any further communication to transmit to the Senate.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Lukens, Shortridge, and Curtin a committee to notify the Governor that the Senate, thirty-fifth session, is about to adjourn sine die, and awaits his pleasure for further communication, if he has any, before so adjourning.

REPORT OF SPECIAL COMMITTEE.

Senators Belshaw, Flint, and Sanford, the special committee appointed to notify the Assembly that the Senate was ready to adjourn sine die, reported that they had performed the duties assigned them.

REPORT OF SENATE COMMITTEE.

Senator Lukens, as chairman of the committee appointed to wait upon the Governor to inform him of the Senate's readiness to adjourn, reported that the Governor had informed the committee that he would at once forward his final communication to the Senate.

Whereupon the Secretary to the Governor presented the following communication, which was taken up and read, and ordered printed in the Journal:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA, }
SACRAMENTO, March 14, 1903. }

To the Senate of the State of California:

GENTLEMEN: If you will permit me, I desire, at the close of the thirty-fifth session of the Legislature, to express to you my official and personal thanks for the many kindnesses and courtesies you have extended to me during the past seventy days. Our intercourse has been most pleasant, and I shall always carry in my memory the pleasantest recollections of the weeks that we have spent here together.

The State, too, is to be congratulated on the results of your labors. Your earnest, conscientious efforts have, I am convinced, produced good legislative fruit. And while both the Legislature and the Executive have, of course, committed mistakes, both of omission and commission, still, I am sure, the interests of the people of the State have not suffered at your hands.

Gentlemen, in bidding you an official farewell, I do so hoping that our relations may continue in the same pleasant lines in which they have heretofore been cast. And I hope, also, to have your personal friendship. Believe me, I am at your service, and earnestly request your good offices at all times.

GEO. C. PARDEE,
Governor of California.

APPROVAL OF MINUTES.

The minutes of Saturday, March 14, 1903, were read and approved.

BENEDICTION.

Benediction by the Chaplain, Rev. C. L. Miel.

FINAL ADJOURNMENT.

Whereupon, at twelve o'clock M., the President declared the Senate adjourned sine die.

ALDEN ANDERSON,
President of the Senate.

THOS. FLINT, JR.,
President pro tem. of the Senate.

F. J. BRANDON,
Secretary of Senate.

D. G. HOLT,
Minute Clerk of Senate.

I. M. KING,
Journal Clerk of Senate.

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ABBREVIATIONS—S.B., Senate Bill; A.B., Assembly Bill; S.C.R., Senate Concurrent Resolution; A.C.R., Assembly Concurrent Resolution; S.J.R., Senate Joint Resolution; A.J.R., Assembly Joint Resolution; S.C.A., Senate Constitutional Amendment; A.C.A., Assembly Constitutional Amendment.

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2	An Act to regulate the practice of chiropody, the registering and licensing of persons to carry on such practice, and to promote competency and skill among the practitioners of chiropody in the State of California. Bauer.....	107		
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4	An Act providing for the submission of the proposition of the license and sale or prohibiting of the sale of intoxicating liquors to a vote of the people by municipal corporations of the fifth and sixth classes. Caldwell.....	108	*816	
5	An Act to provide for the erection of additional buildings for the use of the State Normal School at Chico, California, to furnish the same, and making an appropriation therefor. Coggins.....	108	837	1050
6	An Act to provide for the purchase of additional lands for the Napa State Hospital. Corlett.....	108	960	1237
7	An Act to appropriate the sum of \$1,315 to pay the claim of Robert R. Potter for money due and owing the said Robert R. Potter based upon a judgment recovered by the said Robert R. Potter against the State of California in the Superior Court of Tuolumne County, California, on the 8th day of November, 1902. Curtin.....	108	*721	
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12	An Act to provide for the building, equipping, and furnishing of a central ward building to be used for patients and office purposes at the Southern California State Hospital, and to make appropriation for the same. Hubbell.....	109		
13	An Act to provide for the appointment of a Board of Colton Hall Trustees, and for the acquisition of the Colton Hall property, and providing for an appropriation for the preservation, protection, and improvement of said property. Knowland.....	109	502	647 1145
14	An Act authorizing and providing the means of collecting and receiving from the United States all moneys advanced, disbursed, and expended by the State of California for the benefit of the United States, including all costs, charges, and expenses properly incurred by said State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the insurrection in the United States existing on the 27th day of July, 1861, and for collecting and receiving, also, all money advanced, disbursed, and expended by said State in aid of the United States in the suppression of said insurrection, which has heretofore been or which may hereafter be authorized by the said United States to be paid to said State. Lardner.....	109	464 v 102	626

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoeed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
15	An Act to create and establish two new reclamation districts of this State, to be known, respectively, as Union Island Reclamation District No. 1 and Union Island Reclamation District No. 2, embracing within their respective territorial limits a portion of Union Island in San Joaquin County. Leavitt.....	109	273	400
16	An Act to create a State Board of Charities and Corrections, prescribing its duties and powers, and appropriating money therefor. Lukens.....	110	*829	
17	An Act amending the Civil Code of the State of California by adding thereto a new section, numbered 494, authorizing the sale by any railroad company, person or persons, firm or corporation, owning any railroad in this State, of its property and franchises, or any part thereof, to any railroad company. Pendleton.....	110	310	458
18	An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon channel into the Calaveras river, to maintain condemnation suits therefor, and making an appropriation to pay for said right-of-way and the costs and expenses of obtaining the same. Muentner.....	110		
19	An Act directing the State Board of Harbor Commissioners to construct a certain portion of the harbor embankment or seawall of the Port of San Francisco. Nelson.....	110	*880	
20	An Act to appropriate \$25,000 for the establishment and support of a School of Forestry in the University of California, and providing for the payment of such appropriation. Ralston.....	110	1102	
21	An Act creating a fund or the benefit and support of high schools and providing for its distribution. Rowell.....	110	400	533
22	An Act to appropriate \$35,000 for the erection of an assembly hall or connecting building between the administration building and the ward buildings of the Mendocino State Hospital. Sanford.....	110	839	1145
23	An Act to appropriate money for the purpose of assisting to defray the expenses of a public nature incident to the holding of a National Encampment of the Grand Army of the Republic in this State. Savage.....	110		
24	An Act to appropriate the sum of \$250 to pay the claim of Thomas D. Riordan against the State of California, for professional services and advice in the case of D. B. Murphy vs. Chas. F. Curry, Secretary of State. Selvage.....	110	512	720
25	An Act to build and provide for the furnishing of a cottage upon the grounds of the Agnews State Hospital, and to appropriate money therefor. Shortridge.....	111	*790	
26	An Act to provide for the completion and equipment of the State Normal School building at San Diego, for making certain improvements, and making an appropriation therefor. Ward.....	111	833	1196
27	An Act to amend Section 49 of the Civil Code of the State of California, relating to the rights of personal relation between husband and wife, parent and child, master and servant, the seduction of a wife, daughter, orphan sister, or servant, and injuries to a servant. Welch.....	111	313	1315
28	An Act to provide for the joint investigation with the Federal Government of the water resources of the State, and of the best methods of preserving the forests thereof, appointing a Board of Water and Forest Commissioners to conduct such investigations on behalf of the State. Wolfe.....	111		
29	An Act to establish a Poultry Experiment Station in the County of Sonoma and making an appropriation therefor. Woodward.....	111	*882	
30	An Act to amend Section 1132 of the Political Code of the State of California, relating to the place for holding an election. Woodward.....	111	260	398

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Assembly
31	An Act to add a new section to the Political Code of the State of California, to be numbered 3575, providing for the withdrawal from redemption from tax sales and from entry and sale, and for the reservation of public lands, lands deeded to the State for the non-payment of taxes, and other lands owned by the State, that are suitable for forestry purposes, and providing for reports by Tax Collectors and the Surveyor-General in relation thereto, and for proclamation of the Governor withdrawing and reserving such lands. Wolfe.....	111		
32	An Act to amend Section 382 of the Penal Code. Welch.....	112		
33	An Act to provide for the dissolution of irrigation districts, the ascertainment and discharge of their indebtedness, and the distribution of their property. Ward.....	112		
34	An Act to amend Section 718 of the Civil Code, relating to leases of city and town lots. Smith.....	112	389	1109 1213
35	An Act to provide for improving the grounds of the Agnews State Hospital, and making an appropriation therefor. Shortridge.....	112	*548	
36	An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Savage.....	112	312	678
37	An Act to appropriate the sum of \$15,000 for the purchase of additional lands for the protection of the water supply of the Mendocino State Hospital, and for the development of the same. Sanford.....	112	839	1145
38	An Act to provide for the construction of the unfinished part of the free wagon road from Mono Lake Basin to connect with a road called the "Tioga Road," at or near the "Tioga Mine," and making an appropriation therefor. Ralston.....	112	1127	
39	An Act to appropriate the sum of \$4,150 to pay claim of the the Citizens' National Bank of Los Angeles for money due and owing the said Citizens' National Bank from the State of California. Pendleton.....	112	*1004	
40	An Act to amend Section 8 of Article II of an Act entitled "An Act to establish a State Lunacy Commission, to provide a uniform government and management of the State Hospitals for the Insane. Muentner.....	112	*433	
41	An Act appropriating the sum of \$2,345.75 to pay the claim of the Pacific Coast Steamship Company against the State of California, for loss of merchandise by the collapse of a portion of Pier 9, in the City and County of San Francisco, California. Lukens.....	112	277	844
42	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and an Act amendatory thereof, approved March 23, 1901, by adding a new section, to be called Section 234½, declaring official reporters of the Superior Courts to be county officers of the respective counties. Leavitt.....	113		
43	An Act to provide for the location, construction, and maintenance of a State highway from a point on the Lake Tahoe State wagon road, at or near Meyer's Station, thence past Tallac, Emerald Bay, and McKinney's, to Tahoe City, and making an appropriation therefor. Lardner.....	113	964	1304
44	An Act to appropriate \$8,000 for the extension of the laundry building and purchase of additional machinery therefor; for the purchase and erection of new boilers; for the construction of a reservoir and pipe line for domestic water supply for the Southern California State Hospital. Hubbell.....	113	*505	
45	An Act to amend Section 339 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property. Hahn.....	113		
46	An Act making an appropriation to pay the judgment against the State of California recovered by R. Shaw in the Superior Court of San Benito County November 30, 1901, for and on account of claims for bounty on coyote scalps. Flint.....	113	*958	
47	An Act to establish the California State Dairy School and Experiment Farm, and to appropriate money therefor. Diggs.....	113	964	1250

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoes.

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
48	An Act to amend an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence, and of all expenses connected therewith." Devlin	113	*830	
49	An Act to provide for the completion of the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction, and appropriating money therefor. Corlett	113	*848	
50	An Act to provide for giving, conditioning, and executing an undertaking, with sureties, by the alleged grantee or transferee, or the successors or assigns of such grantee or transferee, in an action where a transfer or conveyance of property is sought to be set aside on the ground that such transfer or conveyance was made to hinder, delay, or defraud creditors, so that after said undertaking is given the transferee or grantee to whom it is alleged the property was transferred or conveyed to hinder, delay, or defraud creditors, or the successors or assigns of such transferee, grantee may sell, incumber, transfer, convey, mortgage, pledge, or otherwise dispose of the property or any part thereof, so that the purchaser, incumbrancer, mortgagee, or grantee or pledgee of such property will take, own, and possess such property unaffected by such action and suit or the judgment which may be rendered therein. Curtin	114	289	720
51	An Act to repeal an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 19, 1887, and as amended by an Act approved March 25, 1895, relating to the powers and duties of such Bank Commissioners. Caldwell	114	295	572
52	An Act to amend Section 742 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Belshaw	114	*465	
53	An Act to amend Section 852 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Belshaw	114		
54	An Act to appropriate \$2519.88 to pay the claim of Mrs. S. L. Bee for interest upon bonds issued by the Treasurer of the State of California under the provisions of the Act of the Legislature of the State of California entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, Second El Dorado, Fran, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey expeditions against the Indians," approved May 3, 1852. Bauer	114	*881	
55	An Act directing the State Prison Directors of the State of California to employ at least twenty prisoners in the construction of roads to the State Prison at San Quentin. Belshaw	115	278	*
56	An Act to amend Section 3366 of the Political Code of the State of California, relating to the powers of Boards of Supervisors, City Councils, and Town Trustees, in their respective counties, cities, and towns, and to impose a license tax. Caldwell	115		
57	An Act making an appropriation for furnishing the modern hospital building for the Veterans' Home located at Yountville, Napa County, State of California, now in course of construction. Corlett	115	*848	
58	An Act to provide for giving, conditioning, and executing an undertaking with sureties, by a person, corporation, partnership, or association claiming to own property, or an interest therein, levied upon by execution, in an action wherein the said person, corporation, partnership, or association is not the judgment debtor; to release the property so claimed from the levy and lien of said execution. Curtin	115	313	720

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoeed.

Number	TITLE.	Intro- duced	Passed Senate	Passed As mby
59	An Act to amend an Act entitled "An Act requiring the payment into the State Treasury of all moneys belonging to the State received by the various State institutions, commissions, and officers, and directing the disposition of the same," approved March 17, 1899, relating in the amendment to the contingent funds of the State prisons. Devlin.....	115	390 v 825	533
60	An Act relating to ferries across navigable rivers separating counties, and empowering the Boards of Supervisors of such counties to establish and maintain ferries across such rivers, and to pay the expense thereof. Diggs.....	115		
61	An Act permitting reporters' notes of testimony to be used as evidence in certain cases. Emmons.....	115		
62	An Act to regulate the practice of steam engineering, the registering and licensing of persons to carry on such practice, and to insure the better education and to promote competency and skill among steam engineers in the State of California. French.....	116	468	†
63	An Act to amend Sections 1197 and 1205 of the Political Code, as amended March 20, 1899, relating to election ballots and manner of voting. Hahn.....	116		
64	An Act to amend Section 2712 of the Political Code, relating to discretionary powers of Boards of Supervisors. Hubbell....	116	233	400
65	An Act to authorize the purchase and use of voting machines at elections hereafter to be held in this State, or in any political subdivision thereof, and providing that the votes cast at any such elections may be registered, or recorded and counted, and the result of any such elections ascertained by such machines, and providing for the punishment of all violations of the provisions of this Act. Knowland.....	116		
66	An Act to amend Section 103 of the Code of Civil Procedure, relating to justices' courts and justices of the peace. Knowland.....	116	858	1195
67	An Act for preserving the James W. Marshall monument at Coloma, California, piping water on the grounds where located, and improving said grounds, and making an appropriation therefor. Lardner.....	116	277	647
68	An Act amending Section 1457 of the Penal Code of the State of California, providing that the defendant in a criminal action must be discharged upon the payment of his fine, and providing for the disposal of the fine paid. Leavitt.....	116	263	
69	An Act making an appropriation for postage, expressage, telegraphing, and contingent expenses of the Attorney-General's office for the remainder of the fifty-fourth fiscal year. Luchsinger.....	116	291	
70	An Act making an appropriation for the purchase of law books for the Attorney-General's office for the remainder of the fifty-fourth fiscal year. Luchsinger.....	116	292	533
71	An Act to amend Section 475 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to clerks and phonographic reporter in the office of the Attorney-General, fixing their salaries, and providing the manner of the payment of the same. Luchsinger.....	116	537	720
72	An Act to amend an Act entitled "An Act to establish a Civil Code, approved March 21, 1872, relating to personal relations. Lukens.....	117		
73	An Act to appropriate \$55,070 for the purchase of additional lands for the use of the Stockton State Hospital, with the existing improvements thereon; for further improvements thereon; to purchase dairy cows, and hogs, and to purchase irrigating plant, all for the use of said hospital. Muenter....	117	838	1237
74	An Act to repeal an Act entitled "An Act to amend the Code of Civil Procedure by adding a new section thereto, to be numbered 1183½, relating to mechanics' liens and regulating the provisions to be contained in building contracts," approved March 28, 1901. Pendleton.....	117	290	423
75	An Act to amend Section 14 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, and amended March 13, 1901, in relation to cruelty to animals, and the arrest, trial, and punishment of offenders against the provisions of said Act. Ralston.....	117	227	572

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed As Ambs.
6	An Act appropriating \$300 to pay the reward to C. W. King for the arrest of "Indian Dick Hutchings," sometimes called "Indian Dick," for the murder of "Tyner Bill." Rowell.....	117	538	
77	An Act to provide for the improvement of the grounds of the Mendocino State Hospital, and making an appropriation therefor. Sanford.....	117		
78	An Act making an additional appropriation for the erection of water towers and tanks on the grounds of the Agnews State Hospital, and appropriating money therefor. Short-ridge.....	117	1005	
79	An Act to establish police courts in cities of the second class, to fix their jurisdiction, provide for officers of said court, and fix the compensation of the officers thereof. Leavitt.....	117	390	
80	An Act to amend Section 2606 of the Political Code of the State of California, relating to the establishment of a Board of State Harbor Commissioners for the Bay of San Diego. Ward.....	117	352	533
81	An Act defining and providing for the control, protection, and treatment of dependent and delinquent children, prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers and prescribing their duties and powers. Wolfe.....	117	351	485
82	An Act to add a new section to the Civil Code, to be known as Section 108, relating to divorces. Welch.....	118		
83	An Act to amend Section 86 of the Code of Civil Procedure, relating to the justices' clerk in every city and county of more than 100,000 population. Welch.....	118		
84	An Act to amend Section 3341 of the Civil Code, relating to damages committed by dogs or other animals to sheep, angora or cashmere goats, or poultry, and for the better protection of the same against the ravages of dogs or other animals. Woodward.....	118	352	500
85	An Act to amend Section 594 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the amount of real estate that may be owned or held by corporations whose object is not pecuniary profit. Wolfe.....	118	364 845	720 845
86	An Act to amend Section 4 of an Act entitled "An Act to promote the apicultural interests of the State of California by providing county inspectors of apiaries, and defining their duties, and providing for their compensation, and repealing the Act entitled 'An Act to authorize the Board of Supervisor of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture,' approved March 13, 1883," said first-named Act having been approved February 20, 1901, and adding five new sections to said Act, to be numbered and designated as Sections 7, 8, 9, 10, and 11. Ward.....	118		
87	An Act to amend the Political Code by amending Section 2696 thereof, and by adding a new section thereto, to be numbered Section 2643a, relating to roads and highways. Pendleton.....	118	288	608
88	An Act making an appropriation to pay the claim of the County of Marin against the State of California. Belshaw.....	118	559 (v)1090	676
89	An Act to amend Sections 3456 and 3459 of the Political Code of this State, relating to the appointment of commissioners of assessment in reclamation districts. Sanford.....	118		
90	An Act authorizing and directing the State Board of Prison Directors to cut, manufacture, and sell stone to cities, counties, or cities and counties, for bridge and road purposes. Devlin.....	119		
91	An Act making an appropriation to pay the claim of George C. Graves for services rendered and expenses incurred in the extradition of James William Martin from the State of Oregon. Ralston.....	119	*808	

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate	Passed As'mbly
92	An Act to amend an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to ensure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, and by adding thereto four new sections, numbered 18, 19, 20, and 21, all relating to the sanitary condition of barber shops and barber schools and the regulation thereof. Pendleton.....	119	*814	
93	An Act to amend Section 1207 of the Civil Code of the State of California, relating to the recordation of certain instruments and certificates of acknowledgment, the notice such recordation shall impart and to the effect as evidence of certified copies of the records of the same. Muentner.....	119	537	720
94	An Act to limit the meaning of the word "conspiracy" and also the use of "restraining orders" and "injunctions" as applied to disputes between employers and employes in the State of California. Lukens.....	119		
95	An Act amending Section 1570 of the Penal Code of the State of California, providing for the disposition of fines and forfeitures collected by any court in the State of California. Leavitt.....	119	280	
96	An Act to amend Section 1183 of an Act of the Legislature of the State of California, entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to liens of mechanics, miners, and others. Lardner.....	119	423	
97	An Act to amend Section 752 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883. Knowland.....	119	280	485
98	An Act to amend Section 1215 of the Political Code, relating to general restrictions on election officers, voters, and others. Hahn.....	119		
99	An Act to provide for night schools. Emmons.....	120		
100	An Act restricting the powers of Boards of Supervisors in the matter of imposing licenses upon the business of raising, herding, grazing, and pasturing sheep. Diggs.....	120	*853	
101	An Act to amend Section 626 of the Penal Code of the State of California, relating to the preservation of game. Devlin.....	120	247	275
102	An Act to appropriate the sum of \$2,340 to pay the claim of William Fahey for moneys due and owing the said William Fahey from the State of California. Curtin.....	120	957	1237
103	An Act making an appropriation for the purchase and installation of new engines, boilers, and dynamos in the power house at the Veterans' Home located at Yountville, Napa County, State of California. Corlett.....	120	*960	
104	An Act making a conspiracy to commit any crime against the person of, or an attempt to kill or commit any assault upon the President or Vice-President of the United States, the Governor of any State or Territory, any United States Justice or Judge, or the Secretary of any Executive Department of the United States, a felony, and providing a penalty therefor. Caldwell.....	120	461	533
105	An Act to appropriate the sum of \$1,416.50, for the purchase of ballot paper for Secretary of State's office, to be used during the remainder of the fifty-fourth fiscal year. Muentner.....	120	263	420
106	An Act to amend Section 3255 of the Civil Code of the State of California, relating to checks and the rules applicable to same. Muentner.....	120		
107	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by amending Sections 1203 and 1215 thereof, relating to the probation of persons arrested for crime after a plea or verdict of guilty, and the suspending of the imposition or execution of sentence during the term of probation. Belshaw.....	120	233	400

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
108	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 131, relating to the powers and duties of the courts of the State in the appointment of probation officers, and defining the duties and powers of such officers. Belshaw	120	233	400
109	An Act to amend and re-enact Section 5 of an Act entitled "An Act to accept from the Veterans' Home Association the conveyance of, and to vest the title in the State of California to, the tract of land in Napa County, known as the Veterans' Home, with the improvements and furnishings thereon, to make the same a State Home for United States soldiers, sailors, and marines, and to provide for the government thereof by the State," relating to the qualifications of the medical director of said home. Corlett	120	1002	1315
110	An Act to provide for building, equipping, and furnishing one cottage for male patients at the Southern California State Hospital, and to make an appropriation for the same. Hubbell	121	*1192	
111	An Act authorizing the State Board of Prison Directors to purchase additional machinery for the State Prison at Folsom, and making an appropriation therefor. Devlin	121		
112	An Act to provide for the election of Justices of District Courts of Appeal, to take effect in case Senate Constitutional Amendment No. 2 is ratified by the people. Hahn	121		
113	An Act to provide for the building of fences and construction of ditches and reservoirs and other improvements at the Southern California State Hospital and to make an appropriation for the same. Hubbell	121	*303	
114	An Act to amend Title XVI of Part IV of Division 1 of the Civil Code of the State of California, and each and every part and section of said title, and to substitute a new Title XVI to take the place thereof in said code, relating to land and building corporations, also called mutual building and loan associations, and to other similar corporations and associations. Knowland	121		
115	An Act to provide for the compilation, printing, binding, publishing, and distribution of a Legislative Manual and State Blue Book, or Roster, and repealing conflicting Acts. Leavitt	121	275	400
116	An Act to amend Section 11 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education, and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the annual renewal of the card or insignia of said board." Pendleton	121	514	
117	An Act to repeal an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895. Muentner	122		
118	An Act to amend Section 2 of an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901, relating to the term of office of members of said board. Pendleton	122	259	
119	An Act to amend Section 3492 of the Political Code of the State of California, relating to swamp and overflowed lands. Sanford	122		
120	An Act to appropriate the sum of \$2,000 to pay for stationery, fuel, lighting, and other necessary supplies for the Legislature and State officers, to be used during the remainder of the fifty-fourth fiscal year. Smith	122	*1232	
121	An Act to amend an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 537, relating to defrauding proprietors and managers of hotels, inns, restaurants, boarding-houses, and lodging-houses," approved March 1, 1889. Ward	122	278	424

* Withdrawn. † Refused passage. ‡ Reconsidered. § Passed. ¶ Vetoed.

Number	TITLE.	Intro- duced	Passed Senate.	Passed Assembly
122	An Act to amend Section 628 of the Penal Code of the State of California, relating to the preservation of fish. Welch.....	122	*917	
123	An Act to repeal an Act entitled "An Act relative to unpaid warrants and assessments in Reclamation District No. 108," approved March 29, 1872. Sanford.....	122	*981	
124	An Act to amend Section 1211 of the Political Code, relating to defective and void ballots. Hahn.....	122		
125	An Act to amend Section 337 of the Code of Civil Procedure, relating to the time of commencing actions other than for the recovery of real property. Hahn.....	122		
126	An Act to provide for surveying, locating, and building a trail or foot-path from a point in the Owen's River Valley, in Inyo County, upon and over the Sierra Nevada Mountains to connect with a trail now leading to the summit of Mount Whitney, and to make an appropriation for the same. Hubbell.....	122		
127	An Act making an appropriation to pay a judgment for the sum of \$5,880 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Hakes Investment Company, a corporation, plaintiff, versus The State of California, defendant. Ward.....	123	*898	
128	An Act making an appropriation to pay a judgment for the sum of \$8,655 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled W. R. Guy, plaintiff, versus The State of California, defendant. Ward.....	123	*899	
129	An Act to provide for the payment of the claim of John F. Forward, County Recorder, San Diego County, for recording tax deeds to the State of California and making appropriation therefor. Ward.....	123	690	1271
130	An Act making an appropriation to pay a judgment for the sum of \$3,195 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled M. D. Corey, plaintiff, versus The State of California, defendant. Ward.....	123	*899	
131	An Act to establish and maintain an experimental sericultural station in the County of San Diego, State of California. Ward.....	123	830	1237
132	An Act to add a new section to the Political Code of the State of California, to be known as Section No. 3611, relating to the general revenue of the State and to property exempt from taxation. Ward.....	123	260	
133	An Act to amend Section 880 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, in relation to the Marshal. Ward.....	123	*791	
134	An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district. Emmons.....	123		
135	An Act to promote safety to passengers on railway trains. Emmons.....	124		
136	An Act to promote safety to passengers on railway trains. Emmons.....	124		
137	An Act to amend Section 883 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to fees of Recorder. Emmons.....	124	391	†795
138	An Act relating to the payment of trial jurors in Superior Courts. Emmons.....	124		
139	An Act to constitute high schools a part of the public school system of the State of California. Emmons.....	124		
140	An Act to provide one additional Judge of the Superior Court of the County of Kern. Emmons.....	124		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate	Passed Assembly
141	An Act to add a new section to the Civil Code, numbered 636a, relating to voluntary withdrawals of stock from land and building corporations, also called building and loan associations. Knowland	124		
142	An Act to add a new section to the Civil Code, numbered 634a, relating to the capital stock of land and building corporations, also called building and loan associations, to the impairment of such stock and to the insolvency of such associations. Knowland	124		
143	An Act regulating the hours of service on regular duty by members of the police department of cities of the first class, cities and counties, cities of the first and one half class, and cities of the second class. Leavitt	129	391	485
144	An Act to amend Sections 408, 409, 410, and 420, and to repeal Section 422 of the Political Code, and to add a new section thereto, to be numbered 415, all relating to the office of Secretary of State. Lukens	129	277	
145	An Act to amend an Act entitled "An Act for the incorporation of societies for the prevention of cruelty to children," approved April 3, 1878, by adding thereto a new section, to be numbered 434, relating to arrests for violation of Acts for prevention of cruelty to children. Oneal	129	545	
146	An Act to provide for the protection of the banks of Eel River against winter floods, and making an appropriation therefor. Selvage	129		
147	An Act to add a new section to the Political Code, to be numbered —, relating to the taxes of this State, and to provide for the cancellation of tax liens on certain State lands. Selvage	130		
148	An Act to amend an Act approved February 28, 1887, entitled "An Act concerning the payment of the expenses and costs of the trial of persons charged with the violation of the laws for the preservation of fish in the navigable waters of this State," and to repeal all Acts and parts of Acts in conflict with this Act. Selvage	130	260	401
149	An Act to pay the claim of Albert G. Lafferty, and making an appropriation therefor. Selvage	130	*976	
150	An Act to amend Sections 628, 629, 632, 635, and 637 of the Penal Code of the State of California, all relating to the preservation and protection of fish, and to repeal all Acts and parts of Acts in conflict with this Act. Coggins	130	248	420
151	An Act to amend Sections 10 and 11 of an Act to provide for the organization and management of county fire insurance companies. Hahn	130		
152	An Act to provide for the construction of a new hotel in the Yosemite Valley, and making an appropriation therefor. Curtin	130	831	1146
153	An Act to appropriate money to pay the claim of F. W. Moore, for blankets supplied the State militia for the State of California during the Spanish-American War. Oneal	130	1004	1224
154	An Act to amend an Act entitled "An Act for the protection of children, and to prevent and punish wrongs to children," approved March 29, 1878, by amending Sections 1 and 3 thereof. Oneal	130	+541 +568	
155	An Act to amend Section 1489 of the Political Code, relating to the powers and duties of Boards of Trustees of the Normal Schools in the State of California. Oneal	130		
156	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 161 thereof, relating to salaries of county officers of counties of the fourth class. Oneal	130		
157	An Act to amend an Act entitled "An Act to promote the horticultural interests of the State, by providing County Boards of Horticulture, and repealing the Act entitled 'An Act to protect and promote the horticultural interests of the State,' approved March 14, 1881, and certain Acts amendatory thereof, approved March 19, 1889, and March 31, 1891," approved March 31, 1897. Caldwell	131		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. ° Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Asmby
158	An Act amending Section 1874 of the Political Code, providing for and designating who shall constitute a board to be known as "The State Text-Book Commissioners," authorizing revision, compilation, and manufacture of State school text-books; prescribing the duties of said Commissioners relating to copyrights, engravings, plates, and other matters for printing and publishing school text-books; providing a royalty fund; authorizing the payment of royalties and the hire or purchase of plates of copyright matter, and for the performance of such other acts as may be necessary to procure a meritorious, uniform series of school text-books. Leavitt.....	131		
159	An Act to amend Section 416 of the Political Code, relating to the fees to be charged by the Secretary of State, and providing for the distribution of the same. Ralston.....	132	261	424
160	An Act to amend Section 1662 of the Political Code of the State of California, relating to the admission of children in the public schools of this State. Welch.....	132		
161	An Act to add a new section to the Political Code, to be known as Section 1618, providing for the establishment and maintenance of separate classes in the common schools for the instruction of the deaf. Welch.....	132	*635	
162	An Act to appropriate the sum of \$20,000 for the purpose of erecting and constructing bridges, culverts, and grading upon what is called the Sonora and Mono toll road, a State highway. Curtin.....	132	963	1237
163	An Act to amend Section 1624 of the Civil Code, prescribing what contracts must be written. Pendleton.....	132		
164	An Act to provide for the payment of the salary of the secretary of the State Engineer for the forty-first, forty-second, and forty-third fiscal years. Pendleton.....	*132	*1103	
165	An Act to amend Section 1818 of the Political Code, relating to the duties of Boards of Supervisors in levying county school tax. Pendleton.....	132		
166	An Act to amend Section 1817 of the Political Code, relating to the duties of County Superintendents of Schools. Pendleton.....	132		
167	An Act to reimburse the Durham Fund for money borrowed from said fund by the Directors of the Deaf, Dumb, and Blind Asylum, and expended in erecting a hospital for the safety and comfort of the pupils of said asylum. Leavitt.....	138	*883	
168	An Act to amend Section 1519 of the Political Code, relating to the State Board of Education. Leavitt.....	139	233 v1090	676
169	An Act to amend Section 647 of the Penal Code of the State of California, relating to who are vagrants. Leavitt.....	139		
170	An Act to prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses for the purpose of gambling, playing cards, billiards, pool, or any game of chance. Ward.....	139	390	
171	An Act to establish the Northern California Polytechnic School in the Sacramento Valley, and making an appropriation therefor. Diggs.....	139		
172	An Act to amend Chapter III, Title III, Part II, of the Penal Code of California, relating to magistrates, by changing the title thereof to "magistrates," and substituting new sections for Sections 806 and 809 thereof and adding a new section thereto. Diggs.....	139		
173	An Act to amend Sections 811, 812, 813, 814, 816, 817, 818, 819 and 827 of Chapter IV, Title III, Part II of the Penal Code of California, relating to warrants of arrest. Diggs.....	139		
174	An Act to amend Sections 858, 861, 870, 871, 877, 878, repealing Section 864 and adding 884 and 885 of Chapter VII, Title III, Part II, of the Penal Code of California, relating to preliminary examinations before magistrates. Diggs.....	139		
175	An Act to amend Sections 948, 952, 954, 960, 965, and 966 of Chapter II, Title V, Part II of the Penal Code of California, relating to pleadings in criminal actions. Diggs.....	139		
176	An Act to amend Section 1258 of Penal Code of California, and to add thereto a new section, to be known as Section 1256, both relating to appeals. Diggs.....	139		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
177	An Act to amend Section 1404 of the Penal Code of California, relating to error in pleadings and proceedings. Diggs.....	139		
178	An Act to amend Section 687 of the Penal Code of California, relating to a second prosecution for a public offense. Diggs.....	139		
179	An Act to add a new section to the Penal Code of California, to be known as Section 1405, relating to estoppel in criminal action. Diggs.....	139		
180	An Act to add two new sections to the Penal Code of California, namely, Sections 1132 and 1133, relating to variance. Diggs.....	139		
181	An Act to amend Section 1326 of the Penal Code of California, relating to subpoenas. Diggs.....	139		
182	An Act to amend Section 90, Section 91, and Section 92 of the Civil Code of the State of California, relating to the dissolution of marriage and providing for the granting of divorces; and Section 281 of the Penal Code of the State of California, relating to bigamy. Hubbell.....	140	*397	
183	An Act to provide for purchasing land for the State fish hatchery at Sisson, Siskiyou County, and for making certain improvements and repairs at said hatchery, and making an appropriation therefor. Coggins.....	140	840	1145
184	An Act appropriating money for the purchase of library, museum, and scientific apparatus for the State Normal School at San José. Oneal.....	140		
185	An Act appropriating money for the building of a library and six additional class-rooms, and for the furniture, equipments, heating and ventilating apparatus for the same, for the State Normal School at San José. Oneal.....	140		
186	An Act appropriating money for the painting and repairing of the interior of the buildings of the State Normal School at San José. Oneal.....	140		
187	An Act appropriating money for the building, furnishing, and equipping of a gymnasium at the State Normal School at San José. Oneal.....	140		
188	An Act to amend Sections 3, 4, 6, and 7 of an Act entitled "An Act to create a fireman's relief, health, and life insurance and pension fund, in the several counties, cities and counties, and cities and towns of the State," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 7, 1901. Savage.....	140	291 v 801	458
189	An Act making appropriation of the sum of \$10,000 for the acquisition or construction of a police patrol boat for the harbor front of the City and County of San Francisco and for the Bay of San Francisco. Nelson.....	140	840	1314
190	An Act to provide for proceedings for the ascertainment of the existence and terms of and for the determination of the validity and legal effect of grants or other instruments, creating, changing, or affecting trusts and estates; for the founding, endowment, and maintenance of a university, college, school, seminary of learning, mechanical institute, museum, gallery of art, or library, or any other institution, or any and all thereof, under or pursuant to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, and erection and maintenance, within this State, of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, or under or pursuant to an Act entitled "An Act to encourage and provide for the dissemination of a knowledge of the arts, sciences, and general literature, and the founding, maintaining, and perpetuating public libraries, museums, and galleries of art, and the receipt of donations and contributions thereto when established; for the conveyance, holding, and protection of real property within this State, suitable for the purposes herein designated, and the erection thereon of buildings appropriate to such purposes, and for the creation of trusts necessary or proper for the better preservation of such institutions, and the control and management thereof," approved March 5, 1887. Shortridge.....	140		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Asmby
191	An Act to amend Section 1633 of the Code of Civil Procedure, relating to the giving of notice upon the settlement of the accounts of executors or administrators. Bauer.....	141		
192	An Act authorizing the appointment of a notary public in the City and County of San Francisco, to reside and transact notarial duties at Yerba Buena Island, or Goat Island, in the Bay of San Francisco, in addition to the number of notaries now authorized by law for said city and county. Luchsinger.....	141	262	424
193	An Act to provide for the purchase of a portrait of ex-Governor Henry T. Gage, by the State Board of Examiners, to appropriate money therefor, and to state the time when such portrait must be commenced. Williams.....	141		
194	An Act to enforce the educational rights of children, and providing penalties for violation of the Act. Knowland.....	141		
195	An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and also to provide for the distribution of water for irrigation purposes," approved March 31, 1897, by amending Section 39 thereof. Curtin.....	141	*600	
196	An Act to amend Section 3440 of the Civil Code of the State of California, relating to transfers of property presumed fraudulent. Wolfe.....	147	503	749
197	An Act to amend Section 595 of the Civil Code of the State of California, relating to the amount of real estate that may be held or owned by any corporation having the care, custody, control, and maintenance of orphans or half orphans. Wolfe.....	147	*395	
198	An Act relating to Justices' Courts in cities and counties of more than one hundred thousand population, and providing for the appointment of a justices' clerk and his assistants, prescribing their duties, and fixing their compensation. Wolfe.....	147	*1008	
199	An Act requiring uniformity in the furnishing of water for sale or rental in any county or counties of the State for irrigation or for agricultural or other purposes, and in the rates charged therefor in any county, and to prevent discrimination and abuse in such furnishing or in such rates, or the collection thereof, and prohibiting the collection of any rates in contravention of this Act, and declaring unlawful all contracts, agreements, and understandings in contravention of this Act, and providing penalties and forfeitures for violations of this Act. Curtin.....	147	655	1137
200	An Act to amend Section 1379 of the Code of Civil Procedure, relating to the petition for letters testamentary, and of administration and action thereon. Hahn.....	148	278	†424
201	An Act to amend Section 626 of the Penal Code, relating to the preservation of game. Hahn.....	148	247	276
202	An Act appropriating money to pay the expenses of erecting and maintaining a building, collecting, forwarding, installing, maintaining, and returning an exhibit of the products of the State of California at the Louisiana Purchase Exposition, St. Louis, in 1904. Also, for preparing and printing literature relating to the State, for distribution at said exposition, and providing a commission, and expense of commission and attachés. Smith.....	148	966	1165
203	An Act to amend Section 1593 of the Political Code of the State of California. Pendleton.....	148		
204	An Act to amend Section 3153 of the Political Code, relating to the sale of unclaimed property by carriers, commission merchants, innkeepers, or warehousemen. Oneal.....	148	278	647
205	An Act to amend Section 401 of the Civil Code, relating to the extension of the corporate existence of corporations organized for a period less than fifty years, and to provide therein for the sale, conveyance, transfer, or lease of corporate property and franchises to any other corporation or corporations by a corporation organized and existing under the laws of the State of California at any time within the last ten years of the term of its corporate existence. Oneal.....	148		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced	Passed Senate.	Passed Asm'ly
206	An Act making an appropriation to pay the claim of Devlin & Devlin for legal services rendered and expenses incurred by them at the instance and request of the State Board of Examiners. Shortridge.....	148	832	1109
207	An Act to pay the claim of J. E. Atkinson, and making an appropriation therefor. Muenther.....	149	509	749
208	An Act to amend Section 11 of an Act entitled "An Act to define the duties of and to license land surveyors," approved March 31, 1891. Sanford.....	149		
209	An Act to amend an Act entitled "An Act to create a State Board of Accountancy, and prescribe its duties and powers, to provide for the examination of and issuance of certificates to qualified applicants with the designation of certified public accountant, and to provide the grade of penalty for violations of the provisions hereof," approved March 23, 1901, by amending Section 2 thereof. Savage.....	149	*850	
210	An Act to amend Section 928 of the Penal Code, relating to the powers and duties of a Grand Jury. Savage.....	150		
211	An Act to amend the Civil Code by adding thereto a new section, to be numbered 379, relating to the publication of the financial conditions of corporations (excepting banking and insurance companies, and building and loan societies) Savage.....	150		
212	An Act to appropriate \$55 to pay the judgment against the State to recover in cause numbered 1314, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California." Coggins.....	150	836	
213	An Act to appropriate \$6,725 to pay the judgment against the State to recover in cause numbered 1311, Superior Court of Modoc County, in an action entitled "Benjamin Lauer vs. The State of California." Coggins.....	150	*726	
214	An Act to provide for the appointment of "The Inspector of Mines," to define his duties, and provide for his compensation, the liability of mining operators and of the inspector of mines. Tyrrell of Nevada.....	150		
215	An Act to amend an Act entitled "An Act to regulate the employment, hours of labor, etc., of children, and to prohibit the employment of minors under a certain age," approved March 23, 1901. Tyrrell of Nevada.....	150	+827	
216	An Act entitled an Act to create fish and game districts. Tyrrell of Nevada.....	150		
217	An Act to repeal Section 772 of the Penal Code of the State of California. Welch.....	150		
218	An Act to amend Section 1636 of the Political Code, relating to the report of census marshal. Welch.....	150	*635	
219	An Act to amend Section 1858 of the Political Code of the State of California, relating to the apportionment of school funds. Welch.....	150	*635	
220	An Act to amend the municipal corporation bill, entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," and approved March 13, 1883, so as to change the time of beginning the assessment in cities of the sixth class. Caldwell.....	151	*461	
221	An Act to repeal Section 772 of the Penal Code of the State of California. Lukens.....	151		
222	An Act to pay the claim of Tiley L. Ford, and making an appropriation therefor. Lukens.....	151	*756	
223	An Act to add a new section to the Political Code, to be numbered 751a, authorizing the Clerk of the Supreme Court to employ a stenographer, and fixing the compensation of such stenographer. Lukens.....	151		
224	An Act to appropriate the sum of \$1,000 to pay the claim of Sergeant-Major Eugene De Sparr. Williams.....	151	+1062	
225	An Act to add a new section to the Penal Code, to be numbered _____, relating to the regulation of the marketing, identifying, manufacturing, and sale of products of crude petroleum used for illuminating and fuel purposes. Ralston.....	151	†1161	+1315

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoeo.

Number	TITLE.	Intro- duced	Passed Senate.	Passed Asm'ly
226	An Act to amend Sections 367, 370, 375, 376, 377, 386, 387, 388, and 389, and to repeal Section 390 of the Code of Civil Procedure, all relating to parties to civil actions. Com. on Code Revision	155	900	
227	An Act to amend Sections 325, 328, 352, 355, and 362 of the Code of Civil Procedure, and to add thereto a new section, to be numbered 329, all relating to the time of commencing actions. Com. on Code Revision	156	618	
228	An Act to amend Sections 280, 281, and 287 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 300, all relating to attorneys and counselors at law. Com. on Code Revision	156	619	
229	An Act to amend Sections 198 and 199 of the Code of Civil Procedure, both relating to jurors. Com. on Code Revision.	156	619	
230	An Act to amend Section 170 of the Code of Civil Procedure, relating to the disqualification of judges. Com. on Code Revision	156	619	1225
231	An Act to repeal Sections 156, 157, and 161 of the Code of Civil Procedure, relating to the eligibility of judicial officers. Com. on Code Revision	156	619	
232	An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days. Com. on Code Revision	156	619	
233	An Act to amend Section 91 of the Code of Civil Procedure, relating to Justices' Courts in cities and counties. Com. on Code Revision	156	620	
234	An Act to repeal Sections 33 to 55, both inclusive, and Sections 65 to 79, both inclusive, of the Code of Civil Procedure, relating to courts of justice. Com. on Code Revision	156	620	
235	An Act to amend Section 737 of the Political Code, relating to salaries of Superior Judges. Pendleton	156	784	
236	An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued. Pendleton	156	{ 468 v1135	720
237	An Act to amend an Act entitled "An Act to regulate contracts on behalf of the State in relation to 'erections' and buildings," approved March 22, 1876. Pendleton	156		
238	An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purpose. Knowland	156	1101	1315
239	An Act to amend Section 2643 of the Political Code, relating to duties of Supervisors respecting roads. Hubbell	156	409	572
240	An Act to regulate the sales of perishable products on the wharves and other State property in the City and County of San Francisco, by prohibiting such sales except by or in behalf of those holding permits from the Board of State Harbor Commissioners, and making such unlawful sales a misdemeanor, and prescribing the penalty therefor, and providing the conditions upon which such permits shall be issued. Woodward	157	291	572
241	An Act to amend Sections 2293 and 2298 of the Political Code, relating to the State Library. Lukens	157	352	608
242	An Act to protect trade and commerce against unlawful restraints and monopolies. Hahn	157	*856	
243	An Act to provide for the organization, management, and control of mutual fire insurance corporations. Hahn	157	980	{ 1196 1224
244	An Act to appropriate \$25,000 for the purchase of additional furniture and equipment for the use of the State Normal School at Los Angeles, to purchase and install therein two passenger elevators, to make necessary repairs and improvements in the building of said State Normal School, to improve the grounds of said State Normal School. Smith	157		
245	An Act to amend the Civil Code by adding an additional section to Chapter II, Title II, to be numbered Section 231, relating to adoption. Corlett	157		
246	An Act to amend an Act entitled "An Act to protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this Act, and to provide an appropriation therefor." Rowell	157	1002	

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE	Introduced	Passed Senate	Passed Assembly
247	An Act to provide for the appointment of a County Livestock, Dairy, Food, and Sanitary Inspector, prescribing his duties, powers, and compensation. Rowell	157	991	
248	An Act making an appropriation for the contingent expenses of the Senate for the thirty-fifth session of the Legislature. Devlin	157	175	201
249	An Act to prevent the sale of dairy products produced from diseased animals and under unsanitary conditions, to provide for the inspection of dairy cattle, dairies, and factories for the production of dairy products, to improve the quality of dairy products of the State, and to appropriate money therefor. Flint	157	*1232	
250	An Act to amend Section 1366 of the Political Code, relating to primary elections. Welch	158	390	485
251	An Act to select and adopt the "Golden Poppy" as the State flower of California. Smith	158	279	533
252	An Act to amend an Act entitled "An Act to protect the owners of bottles, boxes, siphons, and kegs used in the sale of soda waters, mineral and aerated waters, porter, ale, cider, ginger ale, milk, cream, small beer, lager beer, weiss beer, beer, white beer, or other beverages," approved March 31, 1891, by adding thereto a new section after Section 4 thereof, relating to deposits, to be numbered as Section 5 of said Act, by renumbering Section 5 of said Act as Section 6 thereof, and amending the same relating to assignments, and by renumbering Section 6 of said Act as Section 7 thereof. Tyrrell of San Francisco	187	488	626
253	An Act to amend Section 3196 of the Political Code, relating to the definition of trademarks. Tyrrell of San Francisco	187	488	609
254	An Act to amend Section 666 of the Penal Code of the State of California, relating to punishment for second offenses. Tyrrell of San Francisco	187	487	720
255	An Act to appropriate \$2,400 to pay the judgment against the State to recover in cause numbered 1328, Superior Court of Modoc County, in an action entitled "James T. Laird vs. The State of California." Coggins	187	836	
256	An Act to repeal Section 667 of the Penal Code of the State of California, in reference to punishment for second offenses. Tyrrell of San Francisco	187	538	720
257	An Act to amend Section 1536 of the Penal Code, relating to the disposition of property taken on a search warrant. Tyrrell of San Francisco	187	488	608
258	An Act making an appropriation of \$250,000 for the construction of a building to be erected by the Regents of the University of California, in Alameda County, on the grounds of the University, for the accommodation of the students of the University, also providing for the time of payment thereof, and prescribing the duties of the Controller and the Treasurer in relation thereto. Lukens	187	*756	
259	An Act to provide for the appointment by the Supreme Court of five commissioners, to be known as Commissioners of the Supreme Court, to appoint a secretary and a stenographer, and to appropriate money therefor. Lukens	187	*831	
260	An Act to confirm, validate, and legalize, certificates of tax sales and tax deeds executed to the State of California for property sold and deeded thereto for non-payment of taxes. Lukens	187	263	497
261	An Act to create and establish a commission to revise, systematize, and reform the laws of this State, and also the rules and regulations governing and pertaining to the National Guard of California, and for the appointment of the members of the said commission, to be known as "The Commissioners for the Revision and Reform of the Laws, Rules, and Regulations Governing the National Guard of California," and to prescribe their power and duties, and provide for the expenses of said commission, and to appropriate money therefor. Tyrrell of Nevada	187	466	1196

* Withdrawn. † Refused passage. ‡ Reconsidered. § Passed. ¶ Vetoed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Asmby
262	An Act to amend Sections 319, 320, 321, 323, 324, 325, and 326 of the Penal Code of the State of California, relating to crimes and punishments. Tyrrell of Nevada.....	188		
263	An Act to appropriate the sum of \$40 to pay the claim of B. M. Poore for money due and owing the said B. M. Poore from the State of California. Smith.....	188		
264	An Act to appropriate \$40,000 out of any money in the State treasury not otherwise appropriated to permanently drain Lake Earl, in Del Norte County. Selva.....	188	*962	
265	An Act to create and provide for the appointment of a Board of State Voting Machine Commissioners, prescribing their duties and powers, and fixing their compensation. Hahn.....	188		
266	An Act to provide for the use and purchase of ballot machines for registering and counting votes in counties, cities, or any parts thereof, at any and all elections held therein. Hahn.....	188		
267	An Act to appropriate the sum of \$290 to pay the claim of George Conway for money due and owing the said George Conway based upon a judgment recovered by the said George Conway against the State of California in the Superior Court of Merced County, California, on the 25th day of November, 1902, under the provisions of an Act of the Legislature of the State of California entitled "An Act authorizing suits against the State on claims or demands arising under an Act of the Legislature entitled 'An Act fixing a bounty on coyote scalps,' approved March 31, 1891, and regulating the procedure therein," approved March 23, 1901. Curtin.....	188	*721	
268	An Act to appropriate the sum of \$1,000 to pay the claim of M. Zirker for money due and owing the said M. Zirker based upon a judgment recovered by the said M. Zirker against the State of California in the Superior Court of Merced County, California, on the 25th day of November, A. D. 1902. Curtin.....	188	*721	
269	An Act regulating the furnishing of light or power to incorporated cities, manner for payment for the same, and penalty for violation of the provisions of said Act. Lardner.....	188	683 † 855	
270	An Act authorizing the appointment of a secretary by the Chief Justice of the Supreme Court, and fixing the tenure of office, duties, and salary of such secretary. Devlin.....	189		
271	An Act adding a new section to the Political Code, providing for a private secretary to the Chief Justice of the Supreme Court, and amending Section 739 of the Political Code, relating to officers and attachés of the Supreme Court and their salaries. Devlin.....	189		
272	An Act to amend an Act entitled "An Act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers, within municipalities," approved March 18, 1885, relating to sewers. Devlin.....	189	399	647
273	An Act for the relief of Charles D. Douglas. Welch.....	189	964	1225
274	An Act to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof, to provide the penalty therefor, and to appropriate money to enforce the same. Corlett.....	189		
275	An Act to appropriate \$500 to pay the claim of Charles Williams against the State of California upon a judgment recovered in an action entitled "Charles Williams vs. The State of California," numbered 4020 upon the register of the Superior Court of the County of Butte. Diggs.....	189	834	
276	An Act to amend Sections 681, 682, 687, 688, and 689 of the Code of Civil Procedure, all relating to executions in civil cases. Com. on Code Revision.....	203	620	
277	An Act to amend Sections 664, 670, 672, and 674 of the Code of Civil Procedure, all relating to the entering and docketing of judgments. Com. on Code Revision.....	203	620	
278	An Act to amend Sections 656, 658, 659, 660, 661, and 663½ of the Code of Civil Procedure, all relating to new trials. Com. on Code Revision.....	203	620	
279	An Act to amend Sections 647, 649, 650, 651, and 652 of the Code of Civil Procedure, all relating to exceptions. Com. on Code Revision.....	203	621	

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed As'mbly
280	An Act to amend Section 641 of the Code of Civil Procedure, relating to referees. Com. on Code Revision.....	203	622	
281	An Act to add a new section to the Code of Civil Procedure, to be numbered 635, relating to trials of questions of fact by the court. Com. on Code Revision.....	203	622 *752	
282	An Act to amend Sections 581 and 585 of the Code of Civil Procedure, and to add two new sections thereto, to be numbered 582 and 583, all relating to judgments. Com. on Code Revision.....	203	901	
283	An Act to amend Section 631 of the Code of Civil Procedure, relating to the waiver of trial by jury. Com. on Code Revision.....	203	901	
284	An Act to amend Sections 602, 608, 612, and 615 of the Code of Civil Procedure, all relating to jury trials. Com. on Code Revision.....	204	901	
285	An Act to amend Section 731 of the Code of Civil Procedure, relating to nuisances. Com. on Code Revision.....	204	902	
286	An Act to amend Sections 728 and 729 of the Code of Civil Procedure, both relating to sales in actions to foreclose mortgages. Com. on Code Revision.....	204	902	
287	An Act to amend Sections 714, 717, 719, and 720 of the Code of Civil Procedure, all relating to proceedings supplementary to execution. Com. on Code Revision.....	204	902	
288	An Act to amend Section 700 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 700a, both relating to execution sales. Com. on Code Revision.....	204	902	
289	An Act regulating the rates to be charged by any person, firm, company, or corporation for passage in or upon any sleeping-car operated over or upon any railroad within this State. Oneal.....	204		
290	An Act to amend an Act entitled "An Act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, by adding thereto a new section, to be known as Section 20½, relating to the employment of special counsel. Oneal.....	204	351	
291	An Act appropriating the sum of \$200,000, for the purchase of a site, and for the erection, equipment, and furnishing of a building or buildings for the use of the San Francisco State Normal School. Wolfe.....	204	762	1050
292	An Act in relation to municipal bonds. Pendleton.....	204	290	533
293	An Act to amend Section 58 of the Political Code, relating to the qualifications and eligibility of officers. Diggs.....	204		
294	An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, by adding a new section thereto, to be numbered 54½, relating to the eligibility and qualifications of court reporters or official reporters of this State. Diggs.....	204		
295	An Act making an appropriation to pay a judgment for the sum of \$1,320 rendered in and by the Superior Court of the County of San Diego, State of California, on April 24, 1902, in an action entitled Bank of Commerce, a corporation, plaintiff, vs. The People of the State of California, defendant. Ward.....	204	*899	
296	An Act to provide for the better protection of child life as against the issuance to parents or guardians any insurance or certificate of insurance on the life or death of a child under the age of thirteen years, in the State of California. French.....	205	†788	
297	An Act directing the condemnation and destruction of all personal property used in the commission of a public offense and providing a mode of condemnation thereof. French.....	205		
298	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to said Penal Code, to be known and numbered as Section 402¾, relating to the furnishing or erecting of unsafe or improper scaffolding or mechanical contrivances. French.....	205	638	1237

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Assembly
299	An Act making an appropriation to pay the judgment of \$1,125 rendered in and by the Superior Court of the State of California, in and for the County of Calaveras, on the 4th day of December, 1902, in an action in said court entitled "John Raggio, plaintiff, vs. The State of California, defendant." Ralston	205	836	
300	An Act appropriating money for the purchase of bedding, furniture, and carpets for the use of the Preston School of Industry. Ralston	205		
301	An Act appropriating money for the purchase of books for the library of the Preston School of Industry. Ralston	205		
302	An Act to appropriate the sum of \$1,200 to pay for repairs to Capitol building and furniture to be used during the remainder of the fifty-fourth fiscal year. Devlin	205	537	
303	An Act defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor, and fixing penalties therefor. Luchsinger	205	*425	
304	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers. Luchsinger	205	{ +663 +740	1304
305	An Act to pay the claim of Julius A. Hult against the State of California, and making an appropriation therefor. Williams	205	{ 1740 1979	1214
306	An Act to amend Section 890 of the Code of Civil Procedure, relating to dismissals of actions in justices' courts. Bauer	205	837	
307	An Act authorizing the mustering and attaching to the National Guard of California of a company of engineers, and providing for their equipment and maintenance. Knowland	206	466	1195
308	An Act making it a misdemeanor for any corporation or company, or person, firm, or copartnership, to insure against the death, either by accident or otherwise, of any child under the age of sixteen years, and providing the penalty therefor. Plunkett	206		
309	An Act making an appropriation to pay the judgment of \$370 obtained in the Superior Court of the State of California in and for the County of Amador, on the 6th day of December, 1902, in an action in said court numbered 1827, entered of record on December 6, 1902, in Judgment Book "3," page 501 of said Superior Court, now held by Joseph Quirolo, plaintiff, vs. State of California, defendant. Ralston	206	836	
310	An Act appropriating money for establishing an ice-making and refrigerating plant at the Preston School of Industry. Ralston	206	277	
311	An Act to provide for the protection of the banks of Eel River against the ravages of high water, and making an appropriation therefor. Selvage	206	469	533
312	An Act to amend Section 224 of the Civil Code, relating to the adoption of children. Curtin	206	351	749
313	An Act making an appropriation to pay the judgment of \$550 obtained in the Superior Court of the State of California in and for the County of Amador, on the 15th day of December, 1902, in an action in said court, numbered 1828, entered of record on December 15, 1902, in Judgment Book "3," page 507 of said Superior Court, now held by William Going, plaintiff, vs. The State of California, defendant. Ralston	206	835	
314	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto two new sections, to be numbered 1972 and 1973, relating to the rights of employes. Lukens	211	*854	
315	An Act making an appropriation of \$700 to provide for postage, expressage, telegraphing, traveling, and contingent expenses of the Governor's office for the fiscal year ending June 30, A. D. 1903. Lukens	211	489	795
316	An Act making an appropriation to pay for printing, binding and ruling, and all other work performed and materials furnished by the State Printing Office to the various State offices, boards, commissions, prisons, schools, hospitals, and other State institutions for the remainder of the fifty-fourth fiscal year. Lukens	211		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoes.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Assembly.
317	An Act to amend Section 1993 of the Political Code of the State of California, relating to bands of music for the National Guard of California and to the organization and uniforming of such bands. Lukens	211	468	1195
318	An Act making an appropriation for the erection of a workshop at the "Industrial Home of Mechanical Trades for the Adult Blind." Lukens	211		
319	An Act to amend Section 56 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, relating to the officers of a township. Lukens	211	*721	
320	An Act to create the office of Sheep Inspector for the State of California, to provide for the appointment, and to define the powers and duties of said officer and his deputies, and their compensation, and providing for the prosecution of offenses under the same, and to suppress and prevent dissemination of scab among sheep. Diggs	241	687 1741 856	1146
321	An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith. Diggs	212	*301	
322	An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor. Woodward	212		
323	An Act to provide for the erection and completion of additional buildings at the California Home for the Care and Training of Feeble-Minded Children, for equipping and furnishing the same, and to appropriate money therefor. Woodward	212	959	1248
324	An Act to provide for certain improvements at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor. Woodward	212		
325	An Act to provide an adequate sewerage system and septic tanks for the proper disposal of sewage at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same. Woodward	212	*1024	
326	An Act to provide for the building of fencing and for the purchase of farming implements, tools, and equipment at and for the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same. Woodward	212	*433	
327	An Act to provide for the erection and equipment of an oil-storage and pumping plant at the California Home for the Care and Training of Feeble-Minded Children, to appropriate money therefor, and to authorize the expenditure of the same. Woodward	212	1005	1249
328	An Act authorizing and providing for suits for the collection of delinquent taxes due upon personal property. Nelson	212	685	795
329	An Act to amend Section 3423 of the Civil Code of the State of California, relating to injunctions. Nelson	212		
330	An Act making an appropriation for the purpose of establishing a department or course of instruction in navigation and nautical astronomy at the University of California. Nelson	213	970	1316
331	An Act to provide for certain improvements at the California Polytechnic School, and making an appropriation therefor. Flint	213	*837	
332	An Act making an appropriation for the California Polytechnic School. Flint	213	*837	
333	An Act to amend Sections 1197 and 1205 of the Political Code, as amended March 20, 1899, relating to election ballots and manner of voting. Hubbell	213		
334	An Act to regulate the use of illuminating gas. Leavitt	225	*858	
335	An Act to provide for the erection and furnishing of an eighty-room cottage for the Napa State Hospital, located near the City of Napa, and appropriating money therefor. Corlett	225	*433	

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed As'mbly
336	An Act to provide for the purchase of additional grounds for the Napa State Hospital, located near the City of Napa, State of California, and appropriating money therefor. Corlett.	225	*433	
337	An Act to provide for the construction of a dam in Kruse Canyon, in the County of Napa, for the improvement and increase of the water supply of the Napa State Hospital. Corlett.	225	*433	
338	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section to the Political Code of the State of California, to be known as Section 3898a, relating to proceedings for the transfer to the Regents of the University of California of certain public lands acquired by tax sales. Lukens.	225		
339	An Act to repeal Section 259 of the Penal Code, relating to libel. Shortridge.	225		
340	An Act to repeal an Act entitled "An Act to add a new section to the Penal Code, to be known as Section 258, relating to publication of portraits and caricatures," approved February 23, 1899. Shortridge.	225		
341	An Act to provide for the purchase of fire apparatus and machinery, and the purchase and development of an additional water supply for the better protection against fire at the California Home for the Care and Training of Feeble-Minded Children, and to appropriate money therefor. Woodward.	225	*1101	
342	An Act to amend and re-enact Section 1126 of the Code of Civil Procedure, relating to appeals in contested election cases. Savage.	225		
343	An Act to amend and re-enact Section 57 of the Code of Civil Procedure, relating to appeals to the Supreme Court. Savage.	226	465	572
344	An Act to amend Section 501 of the Civil Code of the State of California. Ward.	226	*726	
345	An Act to provide for the location, construction, and maintenance of a State highway from a point on the California and Oregon Railroad near the mouth of Slate Creek, in Shasta County, thence in a northwesterly direction up Slate Creek, crossing said creek about nine miles from its mouth, thence over the divide between Shasta and Trinity counties, down Hall's Gulch in a southwesterly direction to Trinity Center, in Trinity County, and making an appropriation therefor. Coggins.	226	964	1271
346	An Act to amend Section 1617 of the Political Code of the State of California, relating to the duties and powers of Boards of School Trustees and City Boards of Education. Diggs.	226		
347	An Act to amend Section 8 of an Act entitled "An Act to provide for the establishment, maintenance, and support of a bureau to be known as the State Mining Bureau, and for the appointment and duties of a board of trustees to be known as the Board of Trustees of the State Mining Bureau, who shall have the direction, management, and control of said State Mining Bureau, and to provide for the appointment, duties, and compensation of a State Mineralogist, who shall perform the duties of his office under the control, direction, and supervision of the Board of Trustees of the State Mining Bureau," approved March 23, 1893, relating to the powers of the Board of Trustees of the State Mining Bureau. Ralston.	226	487	749
348	An Act for the better protection of fruit and berry-growers, and to prevent the fraudulent labeling of fruit and berries. Oneal.	231		
349	An Act to pay the claim of H. W. Sitton, and to make an appropriation therefor for \$1,856.78, on bond of the State of California, number 592, issued July 9, 1858. Flint.	231	546 v 1090	676
350	An Act to amend Section 3443 of the Political Code of the State of California, relating to the purchase of swamp and overflowed or tide lands of the State of California. Flint.	231	469	533

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Asmblly
351	An Act to declare the ownership of and provide for and regulate the diversion, distribution, and use of waters of flowing streams in this State, and the abandonment and forfeiture of such rights, defining and limiting riparian rights, limiting the right to injunction to prevent the beneficial use of water, providing for the acquisition of rights of way for canals, ditches, and pipe lines, providing penalties for violations of this Act, and the unlawful diversion or use of water, establishing a State Board of Engineers, abolishing the offices of Commissioner of Public Works and Auditing Board to the Commissioner of Public Works, and transferring the powers and duties of the Commissioner of Public Works and Auditing Board to the Commissioner of Public Works to said board of engineers, providing the powers and duties of said board of engineers, and fixing their compensation, providing for the fixing of rates and compensation for the use of water sold, rented, or distributed to the public in this State other than in any city, city and county, or town therein, and the procedure therefor, compelling persons, corporations, and companies supplying water to keep their plants and systems in repair, and requiring annual reports from them to said board of engineers. Belshaw	231		
352	An Act amending Sections 749, 750, and 751 of the Code of Civil Procedure of the State of California, relating to the determination of adverse claims of known and unknown persons to real property, and which said sections were added to said code by an Act approved March 23, 1901. Devlin	231	503	720
353	An Act entitled an Act to amend Subdivision 9 of Section 162 of an Act entitled "An Act to establish a uniform system of county and township governments," relating to the office of county detective, creating the same, and fixing the salary thereof. Devlin	231		
354	An Act to protect the manufacturing industries of this State. Bunkers	231		
355	An Act providing for the relief of J. H. Sawtell, directing the Board of Trustees of the City of Chico to order paid to said J. H. Sawtell, his assigns or legal representatives, the sum of \$1,130 and interest thereon, and to audit the demand therefor, and directing the president of the said board of trustees of said city to issue his warrant for said sum of money and the city clerk of said city to countersign said warrant, and the treasurer of said city to pay said warrant. Digges	232	399	647
356	An Act to amend Section 1885 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts. Knowland	232	*403	
357	An Act to amend Section 1882 of an Act entitled "An Act to establish a Political Code of the State of California," approved March 12, 1872, relating to the issue of bonds of school districts. Knowland	232	*403	
358	An Act to amend Section 1576 of an Act entitled "An Act to establish a Political Code in the State of California," approved March 12, 1872, relating to school districts. Leavitt	232	981	
359	An Act to amend an Act entitled "An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California, providing penalties for violations hereof, and to repeal an Act now in force relating to the same and known as 'An Act to insure the better education of practitioners of dental surgery and to regulate the practice of dentistry in the State of California,' approved March 12, 1885," approved March 23, 1901, by amending Sections 10, 12, 14, 15, 19, and 25; repealing Sections 16, 17, 18, and adding a new section, to be numbered and designated Section 22½. Caldwell	243	1008	1316
360	An Act to establish a State Dairy School and Experimental Farm, to be located at Menlo Park, in San Mateo County, State of California, on lands belonging to the University of California, known as the "Flood Property," and to appropriate money therefor. Byrnes	243	1067	

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE	Intro- duced	Passed Senate	Passed As mby
361	An Act to provide that any person or persons who shall prevent, attempt to prevent, or cause to be prevented, any person or persons, other than Chinamen not entitled to enter the United States, from landing upon any island or islands off the coast of the State of California, and subject to the jurisdiction thereof, or from having free and unrestricted access to any city, town, village, or public institution thereon, shall be guilty of a misdemeanor, and providing a penalty therefor. Hubbell.....	243		
362	An Act for the improvement, construction, and maintenance of a public highway from a point at or near the Town of Saratoga, County of Santa Clara, State of California, southwesterly through the counties of Santa Clara, San Mateo, and Santa Cruz, to and into the California Redwood Park, in said Santa Cruz County, and making an appropriation, extending aid to the said counties of Santa Clara, San Mateo, and Santa Cruz, for such purpose, under the control and direction of the Redwood Park Commission. Shortridge....	243		
363	An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Savage.....	244		
364	An Act to prescribe method of electing Boards of Education in cities controlled by charters other than those controlled by the city and county government. Savage.....	244		
365	An Act to amend Sections 1 and 11 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," which Act became a law under constitutional provision, without Governor's approval, February 27, 1901. Savage.....	244	†1235 †1267 †1268	
366	An Act appropriating money for the maintenance and improvement of the water system at the Preston School of Industry, including the construction of a settling reservoir. Ralston.....	244	840	1237
367	An Act to amend Section 1668 of the Political Code, relating to physical culture and exercises. Ward.....	244	1001	
368	An Act to amend Section 1665 of the Political Code, relating to branches in instruction in the public schools of this State. Ward.....	244	1096	
369	An Act to establish a uniform system to enable towns or municipalities of certain classes or districts to form water districts. Belshaw.....	244	683	
370	An Act to pay the claim of Louise Rienzi against the State of California, and making an appropriation therefor. Pendleton..	244	*760	
371	An Act making an appropriation to pay the claim of H. W. Randal for the reward offered by the State of California for the arrest of Josef E. Blanthier, for murder. Wolfe.....	244		
372	An Act to amend Section 690 of the Code of Civil Procedure, relating to property exempt from execution. Luchsinger....	253	537	749
373	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by amending sections numbers 368, 2429, 2430, 2431, 2440, 2441, 2457, 2458, 2460, 2461, 2462, 2463, 2464, 2466, 2470, and 2490, and repealing sections numbers 2443, 2444, 2445, 2446, and 2468, all relating to pilots, pilot commissioners, and pilotage. French.....	253		
374	An Act to amend an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897, by amending certain sections thereof, relating to salaries and fees of township officers. Savage.....	257		
375	An Act for the protection of the viticultural interests of the State, and making an appropriation therefor. Luchsinger....	258	969	1316
376	An Act regulating the use of trade-union labels upon printed matter furnished by or for the State of California. Bunkers....	258	982	
377	An Act to protect the public health by prohibiting the sale of goods in second-hand bottles, or jars, making it a misdemeanor, and providing penalties for the violation thereof. Bunkers.....	258	1057 †1077	
378	An Act to amend Section 412 of the Penal Code, relating to prize-fights. Bunkers.....	258		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Asmbl'y
379	An Act to appropriate money for the support of aged persons in indigent circumstances. Welch.....	258		
380	An Act to prevent delay in judicial proceedings. Devlin.....	258		
381	An Act providing for an appropriation for the purpose of purchasing additional land for Sutter's Fort and for improving the grounds about said fort. Devlin.....	258		
382	An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners. Welch.....	258	512	844
383	An Act to amend an Act entitled "An Act to create the office of Fish and Game Warden and to prescribe the powers, duties, and salary of such officer," approved March 26, 1895. Pendleton.....	253		
384	An Act to amend the Penal Code of California, by adding a new section thereto, to be numbered 537½, relating to defrauding the proprietors or managers of livery or feed stables kept for profit. Sanford.....	271		
385	An Act making an appropriation to pay the claim of Clark & Henery for building retaining walls and approaches to the Riverton bridge, on the Lake Tahoe road, in the County of El Dorado, State of California. Muentner.....	271	1189	1271
386	An Act to amend Section 1791 of the Political Code of the State of California, relating to city and city and county boards of examination. Welch.....	271	981	
387	An Act to amend Section 1772 of the Political Code of the State of California, relating to teachers' certificates. Welch.....	271	*1007	
388	An Act to amend Sections 1, 4, and 8 of an Act entitled "An Act for the regulation of the practice of medicine and surgery in the State of California, and for the appointment of a Board of Medical Examiners in the matter of said regulation," which Act became a law under constitutional provision without Governor's approval, February 27, 1901. Tyrrell of San Francisco.....	271		
389	An Act appropriating money to the Auditing Board to the Commissioner of Public Works, and also authorizing and directing him and them to perform certain duties relative to drainage, and to purchase the necessary machinery and appliances therefor, and to improve and rectify water channels, and to do all necessary work in connection therewith. Devlin.....	271	834	1195
390	An Act to amend Section 1307 of the Civil Code, relating to wills. Luchsinger.....	271		
391	An Act to add a new section to the Political Code, to be numbered 1003a, relating to vacancies in office. Lukens.....	271	544	
392	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be numbered Section 2643, relating to the joinder of parties in an action for the recovery of double insurance. Lukens.....	271	970	1250
393	An Act to appropriate \$5,000 to be expended by the Regents of the University of California in the employment of a plant pathologist, to study the nature, control and cure of asparagus rust and in conducting experiments under the direction of such pathologist. Shortridge.....	272	1118	
394	An Act making an appropriation for the support of ex-army nurses and indigent widows, wives, mothers, and dependent daughters and sisters of Union Veterans who served honorably during the Civil War, at the Woman's Relief Corps Home, at Evergreen, Santa Clara County, California. Oneal.....	272		
395	An Act authorizing and empowering the Board of State Harbor Commissioners to pay the claim of J. D. Spreckels & Bros. Co. such damages as said company may have sustained by the collapse of one certain wharf and coal bunkers of said Board of State Harbor Commissioners. Oneal.....	272	*880	
396	An Act to amend Section 1492 of the Political Code of the State of California, relating to the Joint Board of Normal School Trustees. Coggins.....	272	540	1109

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed as mdy
397	An Act to appropriate the sum of \$257.05 to pay the claim of Dr. C. H. Blemmer for money due and owing the said Dr. C. H. Blemmer from the State of California. Devlin -----	272		
398	An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878, and as amended by an Act approved March 10, 1887, and as amended by an Act approved March 25, 1895, by adding a new section thereto, to be numbered Section 11½, relating to the winding up the affairs of an insolvent banking corporation and the appointment of receivers. Smith -----	272		
399	An Act making an additional appropriation for the uses and purposes set out in an Act entitled "An Act providing for the construction and furnishing of a residence for the Governor of the State of California, and appropriating the sum of \$50,000 for the erection and furnishing of said residence and of all expenses connected therewith." Devlin -----	282	838	1195
400	An Act to amend Section 90 of the Civil Code of the State of California, relating to dissolution of marriage. Welch -----	282		
401	An Act to amend Section 94 of the Civil Code of the State of California, defining extreme cruelty. Welch -----	282		
402	An Act to amend Section 446 of the Code of Civil Procedure of the State of California, relating to the verification of pleadings in civil actions. Welch -----	282		
403	An Act to amend Section 470 of the Political Code of the State of California, defining the duties of the Attorney-General. Welch -----	282		
404	An Act to amend Section 4256 of the Political Code of the State of California, defining the duties of the District Attorney. Welch -----	282		
405	An Act to amend an Act entitled "An Act providing for the sale of street railroad and other franchises in municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting Acts," which Act became a law under the provisions of the Constitution, without the Governor's approval, March 11, 1901. Smith -----	282	502	647
406	An Act to amend an Act entitled "An Act to establish a Penal Code," by adding a new section thereto, to be numbered 625a, relating to unlawful interferences with public fire-alarms. Smith -----	283	†492 ‡509 ||698	844
407	An Act making an appropriation of \$22,000 for improving and grading the grounds of the Affiliated Colleges of the University of California, in the City and County of San Francisco, and prescribing the duties of the Controller and the Treasurer in relation thereto. Com. on Finance -----	283	*1102	
408	An Act to amend Sections 392, 394, 395, 396, and 397 of the Code of Civil Procedure, all relating to the place of trial of civil actions. Com. on Code Revision -----	287	903	
409	An Act to amend Section 408 of the Code of Civil Procedure, relating to the summons in civil cases. Com. on Code Revision -----	287	903	
410	An Act to amend Section 409 of the Code of Civil Procedure, relating to notice of the pendency of civil actions. Com. on Code Revision -----	287	903	
411	An Act to amend Sections 410, 412, 413, and 415 of the Code of Civil Procedure, all relating to the service of summons in civil actions. Com. on Code Revision -----	287	903	
412	An Act to amend Sections 422, 427, 430, 431, 439, 442, 443, 444, 446, 459, 472, and 476, and to repeal Section 432 of the Code of Civil Procedure, all relating to pleadings in civil actions. Com. on Code Revision -----	287	903	
413	An Act to add two new sections to the Code of Civil Procedure, relating to actions for libel and slander, to be numbered 417 and 418. Com. on Code Revision -----	287	904 ‡979	
414	An Act to amend Sections 512 and 519 of the Code of Civil Procedure, both relating to claim and delivery of personal property. Com. on Code Revision -----	287	904	

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
415	An Act to amend Sections 525, 526, 527, 529, 530, 531, and 532 of the Code of Civil Procedure, all relating to injunctions. Com. on Code Revision.....	287	904	
416	An Act to amend Sections 538, 539, 542, 553, 554, 555, and 558 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 560, all relating to the attachment of property as security for the satisfaction of judgments. Com. on Code Revision.....	287	904	
417	An Act to amend Sections 566, 567, and 569 of the Code of Civil Procedure, all relating to receivers. Com. on Code Revision.....	287	905	
418	An Act to amend Sections 572 and 573 of the Code of Civil Procedure, both relating to deposit in court. Com. on Code Revision.....	287	905	
419	An Act to establish the fees which shall be charged by Sheriffs for keeping and caring for property under attachment or execution. Com. on Code Revision.....	287		
420	An Act authorizing any teacher or public officer who is now a contributor to the Public School Teachers' Annuity and Retirement Fund in any county, or consolidated city and county of this State, where there are no annuitants drawing annuities from the said fund of such county or consolidated city and county, to cease to be a contributor to such fund within sixty days from the taking effect of this Act, and to have returned to him the amount contributed by him thereto, or such part thereof as may be available for that purpose. Knowland.....	295	545	795
421	An Act to pay the claim of George Williams against the State of California. Selvage.....	295		
422	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 176 thereof, relating to the fees and salaries of officers of counties of the nineteenth class. Belshaw.....	295	794	1145
423	An Act to amend Section 215 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to the fees and salaries of certain county officers. Oneal.....	295	1008	1369
424	An Act to amend Sections 726 and 729 of the Code of Civil Procedure, relating to the foreclosure and sale of mortgaged lands. Oneal.....	295		
425	An Act creating a Board of Bank Commissioners, and prescribing their duties and powers. Com. on Banking.....	295	828	
426	An Act to create the public news station of California, to provide for the appointment of a public news reporter and his assistants, and to appropriate money to pay the expenses of the same. Shortridge.....	295		
427	An Act to amend an Act entitled "An Act to provide for the furnishing to sheriffs and chiefs of police of certain information, descriptions, and photographs of convicts about to be discharged by the wardens of State prisons," approved March 27, 1897. Flint.....	296	*1060	
428	An Act making an appropriation of \$500 for the purpose of carpeting, repairing, and repainting furniture in and furnishing the office of the Clerk of the Supreme Court in the City of San Francisco. Flint.....	296	*1006	
429	An Act creating the office of State Entomologist, prescribing his duties and fixing his salary and term of office, providing for assistants, and appropriating money for the purposes of entomological research. Lardner.....	296	1097 ‡1220	
430	An Act to amend Section 4161 of the Political Code, relating to public moneys in the hands of the County Treasurer. Leavitt.....	296		
431	An Act to appropriate \$500 to pay the claim of W. C. Van Fleet for services rendered by him as an attorney-at-law for the State Board of Examiners. Devlin.....	296	1012	
432	An Act to amend Sections 738 and 740 of the Code of Civil Procedure, both relating to actions to determine conflicting claims to real property. Com. on Code Revision.....	300	905	

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced	Passed Senate.	Passed Asm'ly
433	An Act to repeal Chapters I, II, and III of Title XIII of Part II of the Code of Civil Procedure, and each and every section of said Chapters I, II, and III, and to substitute new Chapters I, II, and III to take the place thereof in said Code, relating to appeals in civil actions. Com. on Code Revision.	306	905	
434	An Act to amend Sections 832, 836, 845, 848, 849, 855, 859, 866, 867, 887, 892, 893, 895, 905, and 906, and to repeal Section 837 of the Code of Civil Procedure, all relating to civil actions in Justices' Courts. Com. on Code Revision.	306	905	
435	An Act to amend Section 803 of the Code of Civil Procedure, relating to actions for the usurpation of an office or franchise. Com. on Code Revision.	306	906	
436	An Act to amend Sections 752, 753, 756, 757, 758, 759, 761, 763, 764, 765, 766, 774, 775, 784, 785, and 799, and to repeal Sections 795 and 797 of the Code of Civil Procedure, all relating to actions for the partition of real property. Com on Code Revision.	306	906	
437	An Act to repeal Chapter I of Title V of Part III of the Political Code, and to substitute therefor a new Chapter I, to define the powers and duties of the State Commission in Lunacy, to provide for the government and management of State hospitals for the insane and other incompetent persons, and to provide for the care, custody, apprehension, commitment, and maintenance of insane and other incompetent persons. Woodward	306	*763	
438	An Act to amend "An Act to provide for the government and management of the California Home for the Care and Training of Feeble-Minded Children," approved March 9, 1897. Flint	306		
439	An Act to amend the Civil Code of the State of California by adding a new section thereto, to be numbered and known as Section 361a, relating to transfers of the business, franchises, and property of corporations. Lukens	306	*1197	
440	An Act regulating the business of abstracting, searching, and certifying to the public records of the several counties of the State of California. Lukens	306	†1246	
441	An Act to add a new section to the Political Code, to be numbered Section 4247, to enable County Recorders to return or destroy certain papers on file in their office. Lukens	306		
442	An Act to declare the Alturas and Lakeview wagon road, commencing at the south line of Modoc County, California, on a spur of the Warner Range of mountains, and running thence north through Likely, Alturas, Davis Creek, and Willow Ranch to the south line of the State of Oregon, a State highway, and making an appropriation therefor. Coggins	307	*405	
443	An Act to amend and re-enact Section 1142 of the Political Code, relative to the appointment of officers of election to constitute election boards. Tyrrell of San Francisco	307	542	
444	An Act to amend Section 6 of an Act entitled "An Act for the more effectual prevention of cruelty to animals," approved March 20, 1874, defining what is cruelty to animals. Belshaw.	318		
445	An Act to provide for the erection at Folsom State Prison of a building for the accommodation of the insane prisoners, and making an appropriation therefor. Devlin	317	505	1237
446	An Act to add a new section to the Penal Code of the State of California, to be known as Section 650½, relating to willful and wrongful acts seriously injuring the person or property of another; seriously disturbing or endangering the public peace; outraging public decency; using another's name for accomplishing lewd or licentious purposes, whether accomplished or not, affecting, or having a tendency to affect the moral character of the person whose name is used, and to personifying another, causing or procuring others to identify or give assurance that a person is some one else, for the accomplishment of lewd or licentious purposes, whether accomplished or not, and making such acts misdemeanors where no other punishment is expressly prescribed by the code. Hahn	318		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
447	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be designated as 177½, relating to the appointment of a deputy by the treasurers of counties of the twentieth class, and to the amount and payment of the salary of such deputy. Caldwell.	322	.	
448	An Act to amend Sections 992 and 993 of the Code of Civil Procedure, both relating to proceedings against joint debtors. Com. on Code Revision	322	906	
449	An Act to amend Section 997 of the Code of Civil Procedure, relating to the offer of the defendant to compromise. Com. on Code Revision	322	906	
450	An Act to amend Section 1005 of the Code of Civil Procedure, relating to motions and notices thereof. Com. on Code Revision	322	907	
451	An Act to add a new section to the Code of Civil Procedure, to be numbered 1008, relating to orders. Com. on Code Revision.	322	907	
452	An Act to amend Sections 1010, 1011, 1013, and 1015 of the Code of Civil Procedure, all relating to notices in civil actions. Com. on Code Revision	322	907	
453	An Act to amend Section 1054 of the Code of Civil Procedure, relating to extensions of time. Com. on Code Revision	322	907	
454	An Act to amend Section 1055 of the Code of Civil Procedure, relating to judgments upon bonds of indemnity. Com. on Code Revision	322	907	
455	An Act to amend Section 1057 of the Code of Civil Procedure, relating to the justification of sureties. Com. on Code Revision	322	908	
456	An Act to amend Section 1069 of the Code of Civil Procedure, relating to writs of review. Com. on Code Revision	322	908	
457	An Act to amend Sections 1086, 1087, 1088, and 1089 of the Code of Civil Procedure, all relating to writs of mandate. Com. on Code Revision	322	908	
458	An Act to amend Sections 1103 and 1104 of the Code of Civil Procedure, both relating to writs of prohibition. Com. on Code Revision	322	908	
459	An Act to add a new section to the Code of Civil Procedure, to be numbered 1110a, requiring notice to be given to the real parties in interest in certain proceedings. Com. on Code Revision	323	909	
460	An Act to amend Sections 1115 and 1126 of the Code of Civil Procedure, and to add a new section thereto to be numbered 1124, all relating to the contesting of elections. Com. on Code Revision	323	909	
461	An Act to amend Sections 1164, 1166, and 1167, and to repeal Sections 1163, 1175, and 1180, and both the sections numbered 1161 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1161, all relating to summary proceedings for obtaining possession of real property. Com. on Code Revision	323	909	
462	An Act to amend Sections 1183, 1184, 1191, and 1203, and to repeal Section 1196 of the Code of Civil Procedure, all relating to liens of mechanics and others upon real property. Com. on Code Revision	323	909	
463	An Act to repeal Chapter III of Title IV of Part III of the Code of Civil Procedure, and each and every section of said Chapter III, and to substitute a new Chapter III to take the place thereof in said code, relating to liens for salaries and wages. Com. on Code Revision	323	910	
464	An Act to amend Sections 1209, 1210, 1217, and 1218 of the Code of Civil Procedure, all relating to contempts. Com. on Code Revision	323	910	
465	An Act to amend Sections 1228, 1230, and 1234 of the Code of Civil Procedure, all relating to the voluntary dissolution of corporations. Com. on Code Revision	323	910	
466	An Act to amend Section 1255 of the Code of Civil Procedure, relating to costs in condemnation proceedings. Com. on Code Revision	323	910	

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Asmbl'y
467	An Act to repeal Title VIII of Part III of the Code of Civil Procedure and each and every section of said Title VIII, and to substitute a new Title VIII to take the place thereof in said code, relating to escheated estates. Com. on Code Revision	323	911	
468	An Act to provide for the payment by the State or counties, or cities, or cities and counties of the premium or charge on official bonds when given by surety companies. Flint	323	546	1013
469	An Act to repeal an Act entitled "An Act concerning the fees of jurors and witnesses in the City and County of San Francisco," approved February 27, 1866. Corlett	323	1162	1304
470	An Act to appropriate the sum of \$185 to pay the claim of John E. Tucker, as administrator of the estate of James H. Tucker, deceased, against the State of California upon a judgment recovered in an action entitled "John E. Tucker, as administrator of the estate of James H. Tucker, deceased, vs. The State of California," numbered 1900 upon the register of the Superior Court of the State of California in and for the County of Merced. Curtin	323	834	1313
471	An Act to appropriate the sum of \$400 to pay the claim of John E. Tucker against the State of California upon a judgment recovered in an action entitled "John E. Tucker vs. The State of California," numbered 1901 upon the register of the Superior Court of the State of California in and for the County of Merced. Curtin	324	835	1248
472	An Act to prevent the destruction of oil wells. Emmons	324		
473	An Act to prevent the manufacture and sale of cigarettes. Emmons	324		
474	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 25 thereof, relating to the general permanent powers of Boards of Supervisors. Emmons	324		
475	An Act to repeal Section 475 of the Civil Code of the State of California, relating to grants of public lands of the State for railroad purposes. Selvage	324	*631	
476	An Act to amend Section 474 of the Civil Code of the State of California, relating to grants of public lands of the State of California for rights of way and other railroad purposes. Selvage	324	*631	
477	An Act to amend Section 55 of the County Government Act, approved April 1, 1897, relating to the number of county officers and the consolidation of county offices. Selvage	324	1261	†1315
478	An Act to add a new section to the Political Code, to be numbered 3557, relating to the cancellation of taxes on lands resold by the State, where a judgment has been entered annulling the certificate of purchase. Selvage	324	*1002	
479	An Act relating to the appointment of registration clerks by the County Clerks, and the time for which said registration clerks shall hold office, also prescribing the powers and duties of said registration clerks. Selvage	324	1254	1316
480	An Act to make women eligible to educational offices, and to the positions of official reporter, and registration clerk. Selvage	324		
481	An Act making an appropriation to pay the judgment against the State of California recovered by Oscar R. Brown, in the Superior Court of Mono County, September 20, 1902, for and on account of claims for bounty on coyote scalps. Ralston	324	835	
482	An Act to add a new section to the Political Code of the State of California to be known as Section 1674, providing for the formation of union school districts and the maintenance therein of union schools. Shortridge	324		
483	An Act to amend Section 703 of the Code of Civil Procedure of the State of California, relating to the redemption of property sold on execution. Knowland	339	1065	1249
484	An Act to pay the claim of James Donahue against the State of California, and making an appropriation therefor. Corlett	339		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoeed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
485	An Act to add a new section to the Penal Code, to be known as and numbered 578½, relating to the dealing in options, and repealing all Acts and parts of Acts in conflict herewith, and providing a penalty for the violation of the provisions thereof. Emmons.....			
486	An Act to amend Sections 1036 and 1037 of the Code of Civil Procedure of the State of California, relative to requiring security for costs in actions and special proceedings by plaintiffs who reside out of the State of California. Nelson..	339		
487	An Act to repeal Articles I and II of Chapter II of Title XI of Part III of the Code of Civil Procedure, and each and every section of said Articles I and II, and to substitute new Articles I and II to take the place thereof in said code, all relating to the probate of wills. Com. on Code Revision.....	339	*847	
488	An Act to amend Section 1323 of the Code of Civil Procedure, relating to the probate of foreign wills. Com. on Code Revision.....	339	911	
489	An Act to amend Sections 1327, 1328, 1329, and 1330 of the Code of Civil Procedure, all relating to the contesting of wills after probate. Com. on Code Revision.....	339	911	
490	An Act to amend Section 1339 of the Code of Civil Procedure, relating to the probate of lost or destroyed wills. Com. on Code Revision.....	339	911	
491	An Act to amend Sections 1349, 1350, 1351, and 1356 of the Code of Civil Procedure, all relating to letters testamentary and of administration with the will annexed. Com. on Code Revision.....	339	912	
492	An Act to amend Sections 1366, 1367, 1368, 1371, 1375, and 1383, and to repeal Section 1379 of the Code of Civil Procedure, all relating to letters of administration. Com. on Code Revision.....	339	912	
493	An Act to amend Sections 1412, 1415, and 1417 of the Code of Civil Procedure, relating to special administrators and their powers and duties. Com. on Code Revision.....	339	912	
494	An Act to amend Section 1423 of the Code of Civil Procedure, relating to wills found after letters of administration granted. Com. on Code Revision.....	339	912	
495	An Act to amend Section 1426 of the Code of Civil Procedure, relating to grants of letters of administration with the will annexed. Com. on Code Revision.....	340	913	
496	An Act to amend Sections 1436 and 1437 of the Code of Civil Procedure, both relating to the removal of executors and administrators. Com. on Code Revision.....	340	913	
497	An Act to amend Sections 1443, 1445, and 1447 of the Code of Civil Procedure all relating to the inventory and appraisement of the estates of decedents. Com. on Code Revision.....	340	913	
498	An Act to amend Section 1452 of the Code of Civil Procedure, relating to the possession of the property of deceased persons. Com. on Code Revision.....	340	913	
499	An Act to add a new section to the Code of Civil Procedure, to be numbered 1454, relating to collection of deposits made by deceased persons in savings banks. Com. on Code Revision.....	340	913	
500	An Act to amend Sections 1458, 1459, and 1460 of the Code of Civil Procedure, all relating to proceedings against persons who unlawfully hold or dispose of the property of decedents. Com. on Code Revision.....	340	914	
501	An Act to amend Sections 1464, 1465, 1466, 1468, and 1470 of the Code of Civil Procedure, all relating to provisions for the support of the families of deceased persons. Com. on Code Revision.....	340	914	
502	An Act to repeal Article II of Chapter V of Title XI of Part III of the Code of Civil Procedure, and to substitute a new Article II to take the place thereof in said code, relating to proceedings to set aside homesteads. Com. on Code Revision.....	340	914	
503	An Act to repeal Chapter VI of Title XI of Part III of the Code of Civil Procedure, and to substitute a new Chapter VI to take the place thereof in said code, relating to claims against the estates of decedents. Com. on Code Revision.....	340	914	

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Asm- bly
504	An Act to amend Sections 1518, 1522, 1524, 1537, 1540, 1543, 1544, 1552, 1589, 1573, 1575, and 1576 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1527, all relating to the sale of the property of deceased persons. Com. on Code Revision.	340	915	
505	An Act to amend Sections 1582, 1583, 1584, 1587, 1589, and 1591 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1592, all relating to the powers and duties of executors and administrators. Com. on Code Revision.	340	915	
506	An Act to amend Sections 1598, 1600, and 1607 of the Code of Civil Procedure, all relating to conveyances of real property pursuant to contracts made by deceased persons. Com on Code Revision.	340	915	
507	An Act to provide for the licensing and inspection of maternity hospitals, lying-in asylums, and homes for children, defining the duties of persons conducting the same, and the duties and powers of county boards of health or county health officers, and other health officers in relation thereto, and providing a penalty for the violation of its provisions. Wolfe.	341	1006	1225
508	An Act to amend Section 3 of an Act entitled "An Act to provide for the letting of contracts for lighting of streets and public buildings in cities and towns in the State of California," approved March 26, 1895. Muentner.	341	549	
509	An Act to appropriate the sum of \$142.50 to pay the claim of F. Phillips for money due and owing the said F. Phillips from the State of California. Wolfe.	341	562	1145
510	An Act to amend Sections 1254 and 1257 of the Code of Civil Procedure, relating to the right of eminent domain. Selvage.	341	549	720
511	An Act to provide for locating and surveying a State highway from a point on the Trinity River in Trinity County near the town of North Fork, thence westerly down said river about forty miles to connect with an existing road in Humboldt County, and making an appropriation therefor. Selvage.	341		
512	An Act to amend Section 1616 of the Code of Civil Procedure of the State of California, relating to the settlements of estates of deceased persons, allowance of necessary expenses in the settlement of the estate, including premiums paid for official bonds. Selvage.	341	545	
513	An Act to Amend Section 397 of the Penal Code, relating to the sale of intoxicating liquors to habitual drunkards or Indians. Hubbell.	341	487	676
514	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 36 thereof, relating to the powers and duties of Boards of Supervisors. Oneal.	341	1211	1225
515	An Act to add a new section to the Penal Code of the State of California, to be numbered 654½, for the purpose of preventing baiting for game. Emmons.	341		
516	An Act to regulate the work and hours of selling at retail drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof. Wolfe.	358	982	1317
517	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 175 thereof, relating to salaries of officers of counties of the eighteenth class. Emmons.	358		
518	An Act to promote the horticultural interests of the State, by providing county boards of horticultural commissioners, and repealing an Act entitled "An Act to promote the horticultural interests of the State by providing county boards of horticulture," approved March 31, 1897. Emmons.	358		
519	An Act to protect trade and commerce against unlawful restraints and monopolies, and to prohibit the giving or receiving of rebates on the transportation of property. Emmons.	358		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Assembly.
520	An Act to amend an Act entitled "An Act granting to the City of Monterey the title to the waterfront of said city in the Bay of Monterey." Flint.	359	1095	1248
521	An Act to amend Sections 4, 5, 8, 9, 10, 11, 12, and 13 of an Act approved March 29, 1897, entitled "An Act to amend an Act approved March 26, 1895, entitled 'An Act to create and administer a Public School Teachers' Annuity and Retirement Fund in the several counties, and cities and counties in the State,' as amended March 23, 1901. Knowland	359	869	1237
522	An Act to amend the Penal Code of the State of California by adding one new section to Title X thereof, relative to public nuisances; said section to be numbered 370½. Belshaw.	359	*1051	
523	An Act to amend Section 1095 of the Political Code of the State of California, relating to the registration of voters. Belshaw.	359	1051	1304
524	An Act to amend an Act entitled "An Act in relation to municipal elections, where the same are held separate from general State elections, and elections held under authority of Section 8 of Article XI of the Constitution, to elect Boards of Freeholders, or to vote upon proposed Charters or upon amendments to existing Charters, and to repeal an Act entitled an Act in relation to elections held under the authority of Section 8 of Article XI of the Constitution, approved March 31, 1897," approved March 4, 1899, by amending Sections 5, 7, and 8 thereof. Belshaw.	359	1263	
525	An Act to amend Section 330 of the Penal Code of the State of California, relating to prohibited games. Belshaw.	360		
526	An Act to amend Section 1612 of the Code of Civil Procedure, relating to the liability of executors and administrators. Com. on Code Revision.	360	915	
527	An Act to amend Section 1618 of the Code of Civil Procedure, relating to the compensation of executors and administrators. Com. on Code Revision	360	916	
528	An Act to amend Sections 1622, 1636, and 1639, and to repeal Sections 1623, 1624, 1625, and 1640 of the Code of Civil Procedure, all relating to accounts of executors and administrators and the settlement of such accounts. Com. on Code Revision	360	916	
529	An Act to amend Sections 1643, 1644, and 1647 of the Code of Civil Procedure, all relating to the payment of the debts of deceased persons. Com. on Code Revision	360	916	
530	An Act to amend Sections 1658, 1661, 1665, 1668, and 1669, and to repeal Section 1663 of the Code of Civil Procedure, all relating to the distribution of the estates of deceased persons. Com. on Code Revision	360	916	
531	An Act to amend Sections 1699 and 1702 of the Code of Civil Procedure, both relating to trustees of the estates of deceased persons. Com. on Code Revision	360	1027	
532	An Act to amend Section 1710 of the Code of Civil Procedure, relating to notices in proceedings for the settlement of the estates of deceased persons. Com. on Code Revision	360	916	
533	An Act to amend Section 1717 of the Code of Civil Procedure, relating to the trial of issues of fact in proceedings for the settlement of the estates of deceased persons. Com. on Code Revision	360	917	
534	An Act to repeal Section 1718 of the Code of Civil Procedure, relating to the appointment of attorneys in proceedings for the settlement of estates of deceased persons. Com. on Code Revision	360	948	1271
535	An Act to amend Section 1723 of the Code of Civil Procedure, relating to the establishment of the termination of life estates. Com. on Code Revision	360	949	
536	An Act to repeal Sections 1733 and 1734, and to amend Section 1737 of the Code of Civil Procedure, all relating to Public Administrators. Com. on Code Revision.	360	949	
537	An Act to amend Sections 1747, 1750, 1753, 1758, 1763, 1766, 1768, 1773, 1776, 1793, 1800, 1807, and 1809, and to repeal Sections 1752 and 1774 of the Code of Civil Procedure, and to add a new section thereto to be numbered 1760, all relating to guardians. Com. on Code Revision.	360	949	

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoeed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed As Amdy
538	An Act to repeal Title XIII of Part III of the Code of Civil Procedure, and to substitute in place thereof a new Title XIII, to take the place thereof in said code, relating to estates of missing persons. Com. on Code Revision	361	949	
539	An Act to amend Sections 1825, 1848, 1851, 1852, 1855, 1870, 1875, 1880, 1881, 1905, 1906, 1910, 1915, 1918, 1921, 1922, 1925, 1935, 1937, 1939, 1941, 1942, 1943, 1946, 1947, 1948, 1951, 1962, 1963, 1968, and 1982, and to repeal Sections 1971, 1972, 1973, and 1974 of the Code of Civil Procedure, and to add a new section thereto to be numbered 1882, all relating to evidence. Com. on Code Revision	361	950	
540	An Act to amend Sections 1986 and 1991 of the Code of Civil Procedure, both relating to subpoenas. Com. on Code Revision.	361	950	
541	An Act to amend Sections 2006, 2020, 2021, 2022, 2024, 2025, 2026, 2028, 2031, 2032, 2036, and 2037, and to repeal Sections 2033 and 2034 of the Code of Civil Procedure, all relating to depositions. Com. on Code Revision	361	950	
542	An Act to amend Sections 2012, 2013, 2014, and to repeal Section 2015 of the Code of Civil Procedure, all relating to affidavits. Com. on Code Revision	361	950	
543	An Act to amend Sections 2064 and 2070 of the Code of Civil Procedure, both relating to witnesses. Com. on Code Revision	361	950	
544	An Act to repeal Section 2104 of the Code of Civil Procedure, relating to deposit in court. Com. on Code Revision	361	951	
545	An Act to amend Sections 1021, 1023, 1024, 1025, 1031, 1033, 1036, 1037, to repeal Section 1026 of the Code of Civil Procedure, and to add a new section thereto, to be numbered 1040, all relating to costs in civil actions. Com. on Code Revision	361	951	
546	An Act to amend Sections 2043 and 2054 of the Code of Civil Procedure, both relating to the examination of witnesses. Com. on Code Revision	361	951	
547	An Act appropriating money to provide for the erection of a building for the exhibit of the products of the State of California at the "Lewis and Clark Centennial Exposition" at Portland, Oregon, 1905, and providing for the installing of an exhibit of the products of California therein, and providing for the appointment of a commissioner to carry this Act into effect, and providing, also, for the compensation and the expenses of said commissioner and secretary. Devlin	361	841	
548	An Act to appropriate the sum of \$50,000, for the purpose of putting, as near as possible, the attic and dome of the State Capitol in a fireproof condition, and thereafter to construct in said attic a number of committee rooms, water-closets, and washstands, and to properly paint, calcimine, decorate, ventilate, and provide for the heating and lighting of said attic, rooms, and closets, to do all necessary plumbing therein, and to repair and construct all necessary staircases and approaches thereto, including iron stairs and platform to reach lantern on dome. Devlin	361	*962	
549	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a section thereto, to be designated and known as Section 1716, relating to the payment and enforcement of claims against municipal corporations in certain cases. Savage	396	1256	
550	An Act to amend Section 202 of an Act entitled "An Act to establish a uniform system of county and township governments," approved March 23, 1901. Sanford	396	1057	
551	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class. Lardner	396		
552	An Act to amend Section 1747 of the Code of Civil Procedure of the State of California, relating to guardians of minors. Knowland	396	*868	

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE	Intro- duced	Passed Senate	Passed Assembly
553	An Act to repeal an Act entitled "An Act to create a State Board of Accountancy and prescribe its duties and powers, to provide for the examination of, and issuance of certificates to qualify applicants with the designation of certified public accountants, and provide the grade of penalty for violation of the provisions hereof," approved March 23, 1901. Com. on Commissions, Retrenchment and Reform.	406	563	
554	An Act to amend section 611 of the Political Code, relating to the business of insurance. Hubbell	406		
555	An Act defining the time within which employes are entitled to payment for work, labor, or personal service rendered to employers, and relating to contracts waiving or extending such time of payment. Corlett	406	1011 + 1017	
556	An Act to amend and re-enact Section 4161 of the Political Code, relating to the duties of County Treasurer in respect to public money in his hands. French	406		
557	An Act to amend section 686 of the Penal Code, relating to the rights of defendant in a criminal action. Welch	406	*1095	
558	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901. Leavitt	406		
559	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and amended March 23, 1901, by amending Section 185 thereof, relating to the salaries and fees of county and township officers in counties of the twenty-eighth class. Lardner	406		
560	An Act to amend an Act entitled "An Act to establish a Civil Code," relating to granting of divorces. Com. on Judiciary	407	788	1145
561	An Act to repeal an Act entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education and promote competency and skill among such practitioners in the State of California," approved February 20, 1901. Com. on Commissions, Retrenchment and Reform	407	728	1138
562	An Act to declare the Associated Press and all other associations, companies, and corporations of a similar nature common carriers, and to provide penalties for discrimination between patrons thereof, or persons desiring to become patrons thereof. Shortridge	407	+ 1097	
563	An Act to amend Section 5 and Section 10 of an Act entitled "An Act to provide for the formation of protection districts in the various counties of this State for the improvement and rectification of the channels of innavigable streams and water-courses, for the prevention of the overflow thereof by widening, deepening, and straightening, and otherwise improving the same, and to authorize the Boards of Supervisors to levy and collect assessments from the property benefited to pay the expenses of the same," approved March 27, 1895, enlarging the discretion of Boards of Supervisors concerning such districts, and improvements. Shortridge	407	1288	1304
564	An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to establish and support a Bureau of Labor Statistics, approved March 3, 1883,'" approved February 8, 1889. Shortridge	407		
565	An Act to authorize the appointment of an interpreter of the Spanish language in criminal proceedings in counties and cities and counties of one hundred thousand inhabitants and over. Savage	407		
566	An Act restricting the business of medical superintendents and assistant physicians of State hospitals for insane persons. Belshaw	415	762	
567	An Act to add a new title to Part IV of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, to be known as Title V, regulating publications by State officers and commissioners, common councils, boards of trustees or supervisors, in counties, cities, cities and counties, or towns. Leavitt	415	764	1145

* Withdrawn. † Refused passage. ‡ Reconsidered. § Passed. ¶ Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Asm'ly
568	An Act to provide for the amount and the manner of pay- ment of salaries of Justices of the Peace in counties of the tenth class, for services rendered by them in criminal cases, and providing a method of ascertaining the population of the townships for the purpose of this Act, and repealing all laws in conflict therewith. Hubbell.....	415	699	1225
569	An Act adding a new section to the Code of Civil Procedure, to be known as Section 1434, relating to change of venue in cases of estates and guardianships. Devlin.....	415		
570	An Act to amend Section 890 of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, relating to the dismissal of actions in justices' courts, and providing for a penalty when the action is willfully com- menced in the wrong county, township or city. Devlin.....	415		
571	An Act to authorize the payment of moneys now in the hands of the Governor of the State as Commander in-Chief of the military forces of the State, received by him from the United States for the payment of amounts due to California U. S. Volunteers of the late war with Spain, under the provisions of an Act of Congress entitled "An Act to reimburse the Governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the volunteer army of the United States in the existing war with Spain," approved July 8, 1898, as amended by an Act of Congress approved March 3, 1899, direct to the heirs of any deceased claimants against said fund without administration. Williams.....	415	1003	
572	An Act providing for the payment to the California U. S. Vol- unteers of such amounts as are due them from the date of their assembling to the date of their muster into the United States service, or rejection by the medical examiners, making an appropriation for that purpose and providing for the presentation of a claim to the United States for the repay- ment of the amount expended under this Act, and for the disposition of any sum of money that may be received from the United States upon such claim. Devlin.....	416	1003	
573	An Act to amend an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, by adding thereto a new section, to be designated as Section 779, relative to the election, in municipal corporations of the fifth class, of a board of fifteen freeholders, to frame a charter for the govern- ment of any such municipality. Lukens.....	416	*868	
574	An Act to amend the Act entitled "An Act to regulate the practice of architecture," approved March 23, 1901. Pendleton.....	416	980	1272
575	An Act to amend Section 1365 of the Code of Civil Procedure of the State of California, relating to the order of persons entitled to administer on estates of deceased persons. San- ford.....	423		
576	An Act to amend Section 794 of the Political Code, relating to notaries public. Sanford.....	423		
577	An Act to add a new section to the Political Code, to be num- bered 1003a, relating to terms of office. Lukens.....	441		
578	An Act to amend an Act entitled "An Act to establish a uni- form system of county and township governments," approved April 1, 1897, by amending Section 160 thereof, relating to counties of the third class. Lukens.....	441	1210	1237
579	An Act to amend Section 868 of the Code of Civil Procedure, relating to attachments. Shortridge.....	441		
580	An Act to amend Section 1670 of the Political Code, relating to high schools. Smith.....	459		
581	An Act to amend Section 1663 of the Political Code of the State of California, defining the number of grades or years which constitute the primary, grammar, and high schools. Smith.....	459		
582	An Act to appropriate the sum of \$10,000 for the purpose of equipping the attic of the State Capitol with automatic fire- sprinkler protection, and providing necessary water supplies for same. French.....	460	961	1249

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
583	An Act to amend Section 3805a of the Political Code, which amendment relates to the cancellation of assessments on State school lands, certificates of tax sales and tax deeds issued thereon, where a judgment or decree of court foreclosing the certificate of purchase thereon has been given and entered. Selvage	460	1094	
584	An Act in relation to the State school lands of this State, amending and revising Sections 3546, 3547, 3548, 3549, 3550, and 3551, repealing Sections 3552, 3553, 3554, 3555, and 3556 of the Political Code, and repealing an Act approved March 7, 1881 (Statutes of 1881, page 65), entitled "An Act entitled an Act to enable purchasers of State lands to redeem the same, where their titles have been or may hereafter be foreclosed for non-payment of interest." Selvage	460		
585	An Act to amend Section 1242 of the Civil Code, relating to homesteads of married persons. Selvage	460		
586	An Act to amend Section 1375 of the Political Code, relating to primary elections. Caldwell	460	*1065	
587	An Act to protect the lives and property of the traveling public and the employés of the railroads in the State of California. Leavitt	460	*1233	
588	An Act to amend the Code of Civil Procedure of California by adding a new section thereto, to be known as Section 1514, relating to the closing of estates of decedents when allowed and approved claims are unpaid and the claimant cannot be found, declaring when such claims shall escheat to the State, and defining the duties of the County Treasurer, State Controller, and State Treasurer in relation thereto. Leavitt.	460		
589	An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to vacate certain streets, alleys, and market places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California to said City and County of San Francisco for commercial purposes, and other matters relating thereto,' approved March 30, 1872," approved March 11, 1874. San Francisco Delegation	478	784	1145
590	An Act to amend Section 177 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and to repeal Section 24 of an Act entitled "An Act to amend an Act entitled, 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to counties of the twentieth class. Caldwell	478		
591	An Act to amend Section 4 of an Act entitled "An Act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvements within municipalities, and also for the payment of such bonds," approved February 27, 1893. Caldwell	479		
592	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 169 thereof, relating to counties of the twelfth class. Luchsinger	479		
593	An Act to amend Section 1768 of the Political Code of the State of California, relating to County Boards of Education. Coggins	479	*863	
594	An Act to prohibit the use of the bristle-bur, tack-bur, or other like devices, on horses or other animals in this State. Ralston	479	699	III
595	An Act making an appropriation to pay the claim of A. W. North against the State of California. Com. on Finance	479		
596	An Act to amend Section 1858 of the Political Code, relating to the apportionment of school funds. Rowell	479		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate	Passed As Amdy
597	An Act to amend Section 25 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Subdivision 22 of said Section 25, providing for the preparation and publication of a semi-annual statement of the financial condition of the county, showing in detail the expenditures authorized during the preceding six months, and providing for the publication of a fair statement of all the proceedings of the board. Belshaw.....	485		
598	An Act to regulate the practice of optometry, and for the appointment of a board of examiners in the matter of said regulation. Wolfe.....	485	1008	1237
599	An Act to amend Section 1791 of the Political Code of the State of California, relating to public schools. Williams.....	485		
600	An Act to authorize and empower the Board of State Harbor Commissioners to pay the claim of Christopher McNulty for the sum of \$1,500 against the State of California. Williams.....	486		
601	An Act to amend "An Act to provide for the establishment of cosmopolitan schools in the City and County of San Francisco," approved March 30, 1874, by adding a new section, relating to the election, qualifications, and certificates of special teachers in said schools. Williams.....	486		
602	An Act to appropriate the sum of \$7,000 for the purpose of laying the necessary pipes and placing in the several rooms of the State Capitol the necessary steam radiators to properly heat said rooms by steam. Devlin.....	486	840	
603	An Act adding Section 2630 to the Civil Code of the State of California, relating to insurance. Ward.....	486		
604	An Act to create and regulate public warehouses. Knowland.....	486		
605	An Act to pay the claim of M. Isaacs against the State of California, and making an appropriation therefor. Ralston.....	486		
606	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by adding a new section thereto, to be known as Section 25½, relating to the powers of Boards of Supervisors to lay out, establish, improve, and maintain public boulevards. Hubbell.....	500	800	1109
607	An Act to amend Section 1415 of the Civil Code of the State of California, relating to the appropriation and the notice of appropriation of water. Hubbell.....	500	*1064	
608	An Act supplemental to an Act entitled "An Act to advance learning, the arts and sciences, and to promote the public welfare, by providing for the conveyance, holding, and protection of property, and the creation of trusts for the founding, endowment, erection, and maintenance within this State of universities, colleges, schools, seminaries of learning, mechanical institutes, museums, and galleries of art," approved March 9, 1885, concerning the resignation, relinquishment, or surrender of rights, powers, privileges, and duties reserved to or vesting in the founder or founders, surviving founder, or wife or widow of any founder, of any institution created or founded under or pursuant to said Act, and concerning the assumption and exercise of powers and duties by the trustee or trustees of such institution. Shortridge.....	500		
609	An Act to amend the Political Code of the State of California by amending Sections 1521 and 1650, relating to the powers and duties of the State Board of Education and of its clerk. Lukens.....	500		
610	An Act amending Sections 3924 and 3927 of the Political Code of the State of California, relating to the boundary lines between the counties of Placer and El Dorado. Lardner.....	500		
611	An Act to add a new section to the Code of Civil Procedure of the State of California, to be designated as Section 1663½, providing for partial distribution to assignee of heir, devisee, or legatee. Ralston.....	500		
612	An Act to amend the Political Code of the State of California by adding a new section thereto, to be known as 3449½ of Title VIII, Article II, relating to public lands. Diggs.....	500		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed As mblly
613	An Act to appropriate the sum of \$833.82 to pay the claim of Ed Fanning for money due and owing to said Ed Fanning from the State of California. Nelson.....	500	1023	1249
614	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 47 thereof. Flint.....	501		
615	An Act to amend Section 3 of "An Act for the protection of horticulture and to prevent the introduction into this State of insects or diseases, or animals injurious to fruit, or fruit trees, vines, bushes, or vegetables, and to provide for a quarantine for the enforcement of this Act." Rowell.....	501	*597	
616	An Act to amend Section 359 of the Civil Code, relating to the issuance of stocks or bonds of corporations and to the increase or diminution of the capital stock of corporations and to the creation or increase of bonded indebtedness of corporations and to the creation or increase of a consolidated bonded indebtedness by two or more corporations. Oneal.....	501	1010	1195
617	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be numbered 883½, relating to trial by jury in Justices' Courts. Luchsinger.....	501	1010	
618	An Act to provide for the laying out, opening, extending, widening, or straightening, in whole or in part, of public streets, squares, lanes, alleys, courts, and places within municipalities, for the condemnation of property necessary or convenient for such purposes, and for the establishment of assessment districts and the assessment of property therein to pay the expenses of such improvements. Pendleton.....	501		
619	An Act regulating the quality of illuminating gas manufactured and sold by any corporation or person, and fixing a forfeiture for failure to comply with the provisions of this Act. Wolfe.....	514		
620	An Act to amend Section 22 of an Act entitled "An Act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the State, for the construction of sewers and other sanitary purposes, the acquisition of property thereby, the calling and conducting of elections in such districts, the assessment, levy, collection, custody, and disbursement of taxes therein, the issuance and disposal of the bonds thereof, and the determination of their validity, and making provisions for the payment of such bonds and the disposal of their proceeds." Leavitt.....	514		
621	An Act making an appropriation to pay the claim of James L. McCarthy against the State of California. Leavitt.....	514		
622	An Act entitled "An Act establishing and declaring the population of the counties of the State of California." Leavitt.....	514		
623	An Act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the State of California, or of or for any political subdivision thereof; imposing penalties for violation of the provisions of said Act, and providing for the enforcement thereof. Leavitt.....	514	654	
624	An Act to amend an Act entitled "An Act to provide for the burial of ex-Union soldiers, sailors, and marines in this State who may hereafter die without leaving sufficient means to defray burial expenses," approved March 15, 1889, and to extend the operation of said Act to all honorably discharged soldiers, sailors, and marines, who served in the Army and Navy of the United States, approved March 23, 1901. Corlett.....	514		
625	An Act appropriating money to pay the claim of W. H. Murray, State Superintendent of Ramie Culture. Wolfe.....	515	1056	1317
626	An Act making an appropriation to pay a judgment for the the sum of \$600, rendered in and by the Superior Court of the City and County of San Francisco. State of California, on April 8, 1902, in an action entitled Julia H. Jones, plaintiff, versus The State of California, defendant, numbered 79,940. Lukens.....	515		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoeo.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed As'mbly
627	An Act to prevent injury to oil or petroleum bearing strata or formations by infiltration or intrusion of water therein. Emmons	515	1095	1315
628	An Act to pay the claim of F. Marion Wells against the State of California, and making an appropriation therefor. French	515	*1232	
629	An Act to authorize a savings bank to pay out of the funds of a deceased depositor an amount sufficient to effect the interment of the body of said deceased depositor, not exceeding in any case the sum of \$100. Ralston	531		
630	An Act to amend Section 1207 of the Civil Code, relating to transfers of real property, and fixing a time when defective certificates of acknowledgment shall become valid. Sanford	534		
631	An Act to make an appropriation to pay the claim of the T. W. Spring Company. Shortridge	534	*790	
632	An Act making an appropriation for the purchase and installment of improved material and machinery, and improvements for the State Printing Office and Bindery, and specifying the duties of Superintendent of State Printing, Board of Examiners, State Controller, and State Treasurer in relation thereto. Nelson	534		
633	An Act amending the Code of Civil Procedure of the State of California by adding thereto a new section, numbered 1264, requiring all courts wherein there are or may be pending actions to enforce the right of eminent domain to give such actions preference over all other civil cases in the matter of setting the same for hearing or trial, and in hearing the same. Caldwell	535	857	1125
634	An Act to create a State commission of horticulture, to provide for a State commissioner of horticulture, and prescribe his powers, duties, and compensation, and to provide methods, means, and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal Chapter LXIII of the laws of 1883, Chapter VII of the laws of 1885, Chapter LXXXVI of the laws of 1889, and Chapter CXCIV of the laws of 1891. Shortridge	535	961	1225
635	An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation of this State. Hahn	535		
636	An Act to amend Section 1416 of the Civil Code, and to add one new section to the Civil Code, to be numbered 1422, relating to appropriation of water and work to be done by the claimant. Hubbell	535		
637	An Act to pay the claim of William M. Sullivan against the State of California, and making an appropriation therefor. Tyrrell of San Francisco	535	961	1237
638	An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1893. Com. on Finance	552	1212	1271
639	An Act to amend Sections 275, 276, 277, 278, 279, 280, and 281 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872. Hahn	553		
640	An Act to amend an Act entitled "An Act to establish the fees of county, township, and other officers, and of jurors and witnesses in this State," approved March 28, 1895. Sanford	553		
641	An Act to abolish the office of Débris Commissioner. Ralston	553		
642	An Act to amend an Act entitled "An Act creating a Commissioner of Public Works, defining his duties and powers, and fixing his compensation," approved February 9, 1900. Ralston	553		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Assembly
643	An Act to amend an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as the Commissioners for Revision and Reform of the Law, and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said Commission, secretary, and stenographer, and to appropriate money therefor," approved March 28, 1895. Selvage	553	1212	1271
644	An Act to add a new section to the Civil Code, to be numbered Section 423, relating to deposits by insurance companies for the protection of policy holders. Shortridge	553	1232	+1303
645	An Act providing for the labeling or stamping by the manufacturer, vendor, or person offering for sale any article of hotel, boarding or lodging house, or domestic or office furniture, the cushions whereof are stuffed in whole or in part with materials made of second-hand or cast-off clothing, rags, or cast-off or second-hand material of any character, so that the label or stamp shall show the character of the materials with which such articles are so partly made or stuffed, and making the violation of any of the provisions of this Act a misdemeanor. Bunkers	553	1160	1316
646	An Act to amend Section 1034 of the Code of Civil Procedure, relating to costs on appeal. Com. on Code Revision	553	951	
647	An Act directing the printing of the first four volumes of the statutes of California. Savage	557		
648	An Act directing the condemnation and destruction of all personal property used in the commission of a public offense, and providing a mode of condemnation thereof, and for the payment of extra labor employed therein. French	557		
649	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding seven new sections thereto, to be numbered Sections 637 <i>b</i> , 637 <i>c</i> , 637 <i>d</i> , 637 <i>e</i> , 637 <i>f</i> , 637 <i>g</i> , 637 <i>h</i> , all relating to the protection of birds other than game birds, and their nests and eggs. Lukens	557		
650	An Act to amend Section 427 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, in relation to the investment of the funds of insurance companies. Lukens	558		
651	An Act to pay the claim of James T. Boyd. Lukens	558	1010	1316
652	An Act to amend Section 869 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, amended March 14, 1885, relative to the taking and authentication of testimony on examinations in criminal cases, and to provide for the fees to be paid therefor. Leavitt	558	1234	
653	An Act to regulate the sale of commercial fertilizers, or materials used for manurial purposes, and to provide penalties for the infraction thereof, and means for the enforcement of the Act. Caldwell	558		
654	An Act to amend Section 3514 of Article IV of the Political Code, relating to public lands. Luchsinger	596	1053	
655	An Act to add a new section to the Penal Code of the State of California, under Title XVI thereof, to be numbered 679, prohibiting the use of cruel and unusual punishments in State prisons and reformatory institutions. Williams	596		
656	An Act to provide for the preservation, improvement, and maintenance of the "California Redwood Park," in Santa Cruz County, and making an appropriation therefor. Barnes	596	962	
657	An Act authorizing the State of California to accept a deed from Henry Cowell of certain land in the County of Mendocino, to be known as "Rowland Cowell Park," on certain conditions. Devlin	596	1063	
658	An Act granting a bounty for the destruction of coyotes. Muenter	596	*682	
659	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section to the Civil Code of the State of California, to be known as Section 421, relating to fire and marine insurance corporations. Hahn	596		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Asm'ly
660	An Act to amend Section 3650 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to assessment and taxation. Smith.....	596	1103	1271
661	An Act appropriating \$5,000 to erect a warehouse for the storage of jute at the State Prison at San Quentin, California. Belshaw.....	596	870	1125
662	An Act to appropriate \$5,000 to be expended by the Regents of the University of California, through the departments of Agriculture and Zoölogy, in making experiments leading to the destruction of ground squirrels, gophers and jack-rabbits or hares. Flint.....	596		
663	An Act to amend Section 129 of the Civil Code of the State of California, relating to divorces. Flint.....	596		
664	An Act to amend Section 2527 of the Political Code, relating to the powers of the State Harbor Commissioners. Oneal.....	616	816	1237
665	An Act to amend Sections 3571 and 3572 of the Political Code of the State of California, relating to public lands. Wolfe.....	616	1160	1236
666	An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital. Shortridge.....	617		
667	An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital. Shortridge.....	617		
668	An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital, and making an appropriation therefor. Shortridge.....	617		
669	An Act authorizing and directing the Board of Managers of the Agnews State Hospital to make certain repairs and improvements at the Agnews State Hospital. Shortridge.....	617		
670	An Act making an appropriation for traveling expenses of the Attorney-General for the remainder of the fifty-fourth fiscal year. Luchsinger.....	617	1023	1271
671	An Act to amend Section 1775 of the Political Code, relating to the granting of certificates by County Boards of Education. Devlin.....	617		
672	An Act to amend Section 166 of an Act entitled "An Act to establish a uniform system of county and township government," approved April 1, 1897. Ward.....	617		
673	An Act to amend Section 949 of the Code of Civil Procedure, relating to giving of undertakings and stay of proceedings on appeal to the Supreme Court in certain cases. Nelson.....	627		
674	An Act to promote the drainage of wet, swamp, and overflowed lands, and to promote the public health in the communities in which they lie. Caldwell.....	628	1010	1225
675	An Act to regulate the use of waters used for irrigation and to prevent the wasting of waters supplied for irrigation by any person entitled to use the same. Caldwell.....	628		
676	An Act to amend Section 46 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to compensation of county officers and court reporter, or official reporter of the Superior Court, in counties of the forty-second class. Sanford.....	628		
677	An Act to amend Section 1521 of Article I of Chapter III of Title III of Part III of the Political Code of the State of California, by amending subdivision nine of said Section 1521, and repealing all Acts and parts of Acts in conflict therewith. Tyrrell of San Francisco.....	628		
678	An Act to regulate the collection of premiums on accident and casualty re-insurance. Leavitt.....	628		
679	An Act to provide for the control of the flood waters of the Sacramento River, to improve its channel for the purposes of navigation, and to drain its flood areas. Sanford.....	639		
680	An Act to amend Section 1577 of the Political Code of California, relating to the formation of new school districts. Rowell.....	639		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Asmblly
681	An Act to amend Section 14 of the Civil Code, relating to definitions. Com. on Code Revision	639	952	
682	An Act to amend Sections 47 and 49 of the Civil Code, and to add four new sections thereto, to be numbered 51, 52, 53, and 54, all relating to personal rights. Com. on Code Revision ..	639	1028	
683	An Act to repeal Section 68 and to amend Sections 60, 61, 68, 69, 70, 79½, and 84, of the Civil Code, all relating to marriage. Com. on Code Revision	639	952	
684	An Act to amend Sections 94, 106, 123, 136, 137, and 146, and to repeal Section 144 of the Civil Code, all relating to divorce. Com. on Code Revision	639	952	
685	An Act to amend Sections 161, 164, and 170 of the Civil Code, all relating to husband and wife. Com. on Code Revision ..	639	952	
686	An Act to amend Sections 224, 226, and 227 of the Civil Code, all relating to the adoption of children. Com. on Code Revision ..	639	1028	
687	An Act to repeal Sections 242, 243, 244, 245, 247, 248, 249, 255, and 258, and to amend Section 246 of the Civil Code, all relating to guardian and ward. Com. on Code Revision	639	952	
688	An Act to repeal Title IV of Part III of Division First of the Civil Code, and each and every section of said title, and to substitute a new Title IV to take the place thereof in said Code, relating to masters and apprentices. Com. on Code Revision	639	1028	
689	An Act to amend Sections 299, 301, 302, 303, 304, 309, 310, 311, 312, 314, 315, and 321a of the Civil Code, all relating to corporations. Com. on Code Revision	640	954	
690	An Act to amend Sections 322, 323, 325 of the Civil Code, and to add a new section thereto, to be numbered 328, all relating to stockholders in corporations. Com. on Code Revision	640	954	
691	An Act to amend Sections 360 and 362, and to repeal Sections 361 and 363 of the Civil Code, all relating to the powers of corporations. Com. on Code Revision	640	954	
692	An Act to amend Sections 388, 391, 392, and 393 of the Civil Code, all relating to the sale of franchises under execution. Com. on Code Revision	640	1029	
693	An Act to repeal Section 399, and to amend Sections 400 and 401 of the Civil Code, all relating to the dissolution and extension of corporations. Com. on Code Revision	640	954	
694	An Act to add a chapter to Title I of Part IV of Division First of the Civil Code, relating to foreign corporations. Com. on Code Revision	640	1029	
695	An Act to amend Sections 414, 415, 417, 418, and 419 of the Civil Code, and to add a new section thereto, to be numbered 421, all relating to insurance corporations. Com. on Code Revision ..	640	955	
696	An Act to repeal Sections 427, 431, and 432, and to amend Section 428 of the Civil Code, all relating to fire and marine insurance corporations. Com. on Code Revision	640	955	
697	An Act to amend Sections 437, 447, 449, and 450, and to repeal Sections 444 and 448 of the Civil Code, and to add a new section thereto, to be numbered 452, all relating to mutual life, health, and accident insurance companies. Com. on Code Revision	640	955	
698	An Act to add a Chapter IV to Title II of Part IV of Division First of the Civil Code, relating to mutual benefit and life associations. Com. on Code Revision	640	955	
699	An Act to add a Chapter V to Title II of Part IV of Division First of the Civil Code, relating to corporations to discover fire and save property and human life from destruction thereby. Com. on Code Revision	640	956	
700	An Act to add a Chapter VI to Title II of Part II of Division First of the Civil Code, relating to life, health, accident, and annuity or endowment insurance on the assessment plan. Com. on Code Revision	640	956	
701	An Act to amend Sections 465, 481, 489, and to repeal Section 492 of the Civil Code, and to add two new sections thereto, to be numbered 465a and 473a, all relating to railroad corporations. Com. on Code Revision	640	1029	
702	An Act to amend Sections 497, 498, 501, 504, and 507 of the Civil Code, all relating to street railway corporations. Com. on Code Revision	641	1029	

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. r Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Assembly
703	An Act to amend Sections 513, 514, 517, 518, 522 of the Civil Code, all relating to wagon road corporations. Com. on Code Revision	641	1030	
704	An Act to add a new section to the Civil Code, to be numbered 524, relating to franchises for the construction of paths and roads for the use of horseless vehicles. Com. on Code Revision	641	1030	
705	An Act to amend Sections 528, 529, and 530 of the Civil Code, all relating to bridge, ferry, wharf, chute, and pier corporations. Com. on Code Revision	641	1030	
706	An Act to repeal Chapter VII of Title IV of Part IV of Division First of the Civil Code, and each and every section of such chapter, and to substitute a new Chapter VII to take the place thereof in said code, relating to telegraph and telephone corporations. Com. on Code Revision	641	1030	
707	An Act to amend Sections 549 and 551, and to repeal Section 550 of the Civil Code, all relating to water and canal corporations. Com. on Code Revision	641	1030	
708	An Act to add a new section to the Civil Code, to be numbered 580, relating to statements to be made and notices to be given depositors of money. Com. on Code Revision	641	1031	
709	An Act to repeal Title XI of Part IV of Division First of the Civil Code, and each and every section of said title, and to substitute a new Title XI to take the place thereof in said code, relating to mining corporations. Com. on Code Revision.	641	1031	
710	An Act to add a new title to Part IV of Division First of the Civil Code, to be known as Title XIa, relating to corporations for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred associations. Com. on Code Revision	641	1031	
711	An Act to amend Sections 593, 595 and 597 of the Civil Code, all relating to benevolent corporations. Com. on Code Revision	641	1031	
712	An Act to add a title to Part IV of Division First of the Civil Code, to be known as Title XIIa, relating to societies for the prevention of cruelty to children and animals. Com. on Code Revision	641	1032	
713	An Act to amend Sections 612, 613, and to repeal Section 616 of the Civil Code, all relating to cemetery corporations. Com. on Code Revision	641	1032	
714	An Act to repeal Title XV of Part IV of Division First of the Civil Code, and to substitute therefor in said code a new Title XV, relating to corporations formed for the purpose of furnishing light for public use. Com. on Code Revision.	641	1032	
715	An Act to amend Sections 635, 641, and 643, and to repeal Section 648½ of the Civil Code, relating to land and building corporations. Com. on Code Revision	642	1032	
716	An Act to add a Title XIX to Part IV of Division First of the Civil Code, relating to co-operative business corporations. Com. on Code Revision.	642	1032	
717	An Act to add a Title XX to Part IV of Division First of the Civil Code, relating to co-operative business associations. Com. on Code Revision	642	1033	
718	An Act to amend Sections 682, 683, 686, 702, and 703 of the Civil Code, all relating to interests in property. Com. on Code Revision	642	1033	
719	An Act to amend Section 709 of the Civil Code, relating to conditions precedent. Com. on Code Revision	642	1033	
720	An Act to amend Section 801 of the Civil Code, relating to servitudes. Com. on Code Revision	642	1033	
721	An Act to amend Section 832 of the Civil Code, relating to the rights of coterminous owners. Com. on Code Revision	642	1033	
722	An Act to add Sections 842 and 843 to the Civil Code, both relating to persons associated in the use of conduits for the conveyance of water. Com. on Code Revision.	642	1034	
723	An Act to amend Sections 857 and 859 of the Civil Code, both relating to trusts. Com. on Code Revision	642	1034	
724	An Act to amend Section 993 of the Civil Code, relating to the transfer of the good will and name of a business. Com. on Code Revision.	642	1034	

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Asmblly
725	An Act to amend Section 1055 of the Civil Code, relating to the presumption of the time of the execution of a grant. Com. on Code Revision	642	1034	
726	An Act to amend Section 1067 of the Civil Code, relating to the interpretation of grants. Com. on Code Revision	642	1035	
727	An Act to add a new section to the Civil Code, to be numbered 1096, relating to the mode of transferring real property. Com. on Code Revision	642	1035	
728	An Act to amend Section 1106 of the Civil Code, relating to the effect of a transfer of real property. Com. on Code Revision	642	1035	
729	An Act to amend Section 1149 of the Civil Code, relating to gifts. Com. on Code Revision	642	1035	
730	An act to amend Section 1161 of the Civil Code, relating to the recording of instruments in writing. Com. on Code Revision	643	1035	
731	An Act to amend Sections 11-1, 11-5, 1190, 1193, 1202, 1203, and 1207 of the Civil Code, all relating to the proof or acknowledgment of instruments in writing. Com. on Code Revision	643	1036	
732	An Act to add a new section to the Civil Code, to be numbered 1218, relating to the recording of certified copies of instruments in writing. Com. on Code Revision	643	1036	
733	An Act to repeal Chapter I of Title V of Part IV of Division Second of the Civil Code, and each and every section of said Chapter I, and to substitute a new Chapter I to take the place thereof in said code, relating to homesteads. Com. on Code Revision	643	1036	
734	An Act to amend Section 1263 of the Civil Code, relating to declarations of homesteads. Com. on Code Revision	643	1036	
735	An Act to add a new chapter to Title V of Part IV of Division Second of the Civil Code, relating to homesteads of insane persons. Com. on Code Revision	643	1037	
736	An Act to amend Sections 1275, 1276, 1285, 1300, 1306, 1307, 1326, 1327, 1343, 1360, 1364, and 1376 of the Civil Code, and to add a new section thereto, to be numbered 1314, all relating to wills. Com. on Code Revision	643	1037	
737	An Act to amend Sections 1386, 1387, 1388, 1395, 1399, 1405, and 1408 of the Civil Code, and to add a new section thereto, to be numbered 1409, all relating to succession to the property of deceased persons. Com. on Code Revision	643	1037	
738	An Act to add a new section to the Civil Code, to be numbered 1468, relating to covenants running with land. Com. on Code Revision	643	1037	
739	An Act to amend Sections 1473 and 1479 of the Civil Code, relating to the performance of obligations. Com. on Code Revision	643	1038	
740	An Act to amend Sections 1624 and 1625 of the Civil Code, both relating to the manner of creating contracts. Com. on Code Revision	643	1038	
741	An Act to amend Section 1691 of the Civil Code, relating to the rescission of contracts. Com. on Code Revision	643	1038	
742	An Act to amend Section 1715 of the Civil Code, and to add two new sections thereto, to be numbered 1716 and 1717, all relating to waste. Com. on Code Revision	643	1038	
743	An Act to add a new section to the Civil Code, to be numbered 1779, relating to warranties. Com. on Code Revision	643	1038	
744	An Act to add an Article IIIa to Chapter II of Title III of Part IV of Division Third of the Civil Code, relating to warehousemen. Com. on Code Revision	644	1039	
745	An Act to amend Section 1863 of the Civil Code, relating to innkeepers. Com. on Code Revision	644	1039	
746	An Act to amend Sections 1865 and 1871 of the Civil Code, both relating to finders and savers of property. Com. on Code Revision	644	1039	
747	An Act to amend Sections 1929, 1930, and 1932 of the Civil Code, all relating to the hiring of property. Com. on Code Revision	644	1039	
748	An Act to amend Sections 1980, 1990, and 1996 of the Civil Code, all relating to employers and employes. Com. on Code Revision	644	1039	
749	An Act to amend Sections 2161, 2207, and 2208 of the Civil Code, all relating to carriers of messages. Com. on Code Revision	644	1040	

* Withdrawn. † Refused passage. ‡ Reconsidered. § Passed. ¶ Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Asm'ly
750	An Act to amend Sections 2170, 2172, 2180, and 2195 of the Civil Code, all relating to common carriers. Com. on Code Revision.	644	1040	
751	An Act to amend Section 2236 of the Civil Code, relating to the obligations of trustees. Com. on Code Revision	644	1040	
752	An Act to add a new section to the Civil Code, to be numbered 2245, relating to trusts. Com. on Code Revision	644	1040	
753	An Act to amend Section 2334 of the Civil Code, relating to the liability of principals for the acts of their agents. Com. on Code Revision	644	1041	
754	An Act to amend Sections 2406, 2450, 2461, 2468, and 2489 of the Civil Code, all relating to partnerships. Com. on Code Revision	644	1041	
755	An Act to amend Section 2541 of the Civil Code, relating to insurance of mortgaged property. Com. on Code Revision	644	1041	
756	An Act to add a new section to the Civil Code, to be known and numbered 2893, relating to the enforcement of liens on personal property. Com. on Code Revision	644	1041	
757	An Act to amend Sections 2903 and 2913 of the Civil Code, both relating to liens. Com. on Code Revision	644	1041	
758	An Act to amend Sections 2936, 2959, 2968, and 2969 of the Civil Code, and to add a new section thereto, to be numbered 2973, all relating to mortgages. Com. on Code Revision	644	1042	
759	An Act to amend Section 3052 of the Civil Code, and to add five new sections thereto, to be numbered 3061, 3062, 3063, 3064, and 3065, all relating to liens on personal property. Com. on Code Revision	644	1042	
760	An Act to amend Sections 3131, 3156, 3176, 3197, 3235, and 3245 of the Civil Code, all relating to negotiable instruments. Com. on Code Revision	645	1042	
761	An Act to amend Section 3294 of the Civil Code, relating to exemplary damages. Com. on Code Revision	645	1042	
762	An Act to add a new section to the Civil Code, to be numbered 3346a, relating to damages for negligently firing woods. Com. on Code Revision	645	1043	
763	An Act to amend Section 3366 of the Civil Code, relating to specific and preventive relief. Com. on Code Revision	645	1043	
764	An Act to add a new section to the Civil Code, to be numbered 3396, relating to judgments for the specific performance of contracts. Com. on Code Revision	645	1043	
765	An Act to amend Section 3406 of the Civil Code, relating to the rescission of contracts. Com. on Code Revision	645	1043	
766	An Act to amend Section 3442 of the Civil Code, relating to fraudulent instruments and transfers. Com. on Code Revision	645	1043	
767	An Act to amend Section 3451 of the Civil Code, relating to assignments for the benefit of creditors. Com. on Code Revision	645	1044	
768	An Act to amend Sections 3479 and 3503 of the Civil Code, both relating to nuisances. Com. on Code Revision	645	1044	
769	An Act making an appropriation to pay the claim of the County of Santa Cruz for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children. Byrnes	645		
770	An Act to provide for the issuance and sale of State bonds to create a fund for the construction by the Board of State Harbor Commissioners of a seawall and appurtenances in the City and County of San Francisco, to create a sinking fund for the payment of said bonds, and providing for the submission of this Act to a vote of the people. Wolfe	645		
771	An Act authorizing cities, towns, and municipal corporations to establish and maintain public assembly or convention halls, and to incur indebtedness for such improvements. Smith	652	*976	
772	An Act to amend Section 661 of the Code of Civil Procedure of the State of California, relating to motions for new trial on the minutes of the court. Emmons	652		
773	An Act to add a new section to the Code of Civil Procedure of the State of California, to be numbered 80, providing for sessions in bank of the Superior Court. Emmons	652		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoeo.

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
774	An Act to add a new section to the Political Code of the State of California to give effect to Section 8, Article VI, of the Constitution, and to provide for the compensation of Judges pro tempore of the Superior Courts. Emmons.....	652		
775	A Bill to amend Section 660 of the Code of Civil Procedure, relating to the hearing of motions for new trials, and providing for such hearings by the Superior Courts in bank. Emmons.....	652		
776	An Act providing for and authorizing the making of official city maps for the purpose of assessments or transferring of property by descriptions, as delineated on such maps, and for the re-surveying and re-numbering of blocks, lots, parcels of land, and fixing the names of streets, avenues, lanes, courts, places, commons, or parks. Selvage.....	652		
777	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, by amending Section 55 thereof, by providing for an official shorthand reporter, and to add a new section thereto, to be numbered 152a, providing for the manner of the appointment of an official shorthand reporter, and prescribing his duties. Selvage.....	652		
778	An Act to amend Section 221 of the Civil Code of the State of California, relating to adoption. Selvage.....	652		
779	An Act to amend Section 168 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897. Selvage.....	653	1060	1197
780	An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to amend an Act entitled 'An Act to amend Section 6 of an Act entitled 'An Act concerning the waterfront of the City and County of San Francisco,' approved March 15, 1878," and to confer further powers upon the Board of State Harbor Commissioners,' approved March 17, 1890,' approved March 19, 1889, conferring further powers upon the said Board," approved March 26, 1895. Muentner.....	653	1231	
781	An Act to amend an Act entitled "An Act to amend the Political Code by adding a new article to Chapter II of Title VI of Part III thereof, to be numbered Article IX, embracing Sections 2745 to 2772, both inclusive," approved March 13, 1901. Sanford.....	653		
782	An Act to amend the Penal Code of the State of California by adding thereto a new section, to be numbered Section 1145, relating to the payment of fees to grand jurors. Nelson.....	653		
783	An Act to appropriate the sum of \$5,000 to pay the claim of John C. Pelton for money due and owing the said John C. Pelton from the State of California. Corlett.....	653		
784	An Act to amend Section 1401 and to repeal Section 1402 of the Civil Code of the State of California, relating to community property. Corlett.....	653		
785	An Act to amend Section 862 of an Act entitled "An Act to provide for the organization, incorporation, and government of municipal corporations," thereon approved March 13, 1883, and an Act amendatory thereof, approved March 18, 1897, relating to powers of the board of trustees of cities of the sixth class. Shortridge.....	653		
786	An Act to provide for the building of an assembly hall for the State Prison at San Quentin, and to make an appropriation for the same. Belshaw.....	653	1011	1225
787	An Act to amend Section 1240 of the Code of Civil Procedure of California, relating to rights of way for public uses. Hahn.....	653	*1232	
788	An Act to amend an Act relating to commitments to the State School at Whittier and to the Preston School of Industry, fixing the authority to examine and commit to such schools with the Superior Court Judges of the counties, Police Court Judges, and Justices of the Peace. Hahn.....	654		
789	An Act to amend Section 307 of the Civil Code of the State of California, relating to the election of directors and the manner of voting for the same. Devlin.....	654	1230	1314

* Withdrawn. † Refused passage. ‡ Reconsidered. § Passed. ¶ Vetoed.

Number	TITLE	Intro- duced	Passed Senate	Passed Assembly
790	An Act to amend Section 4 of an Act entitled "An Act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State, which Act became a law under the provision of the Constitution, without the Governor's approval, March 7, 1901. Flint.			
791	An Act to amend an Act entitled "An Act to establish and support a Bureau of Labor Statistics," approved March 3, 1883, by adding a new section thereto, to be numbered Section 13. French	654	1095	†1315
792	An Act creating a State commission on voting or balloting machines, defining their powers and providing for the use at the option of indicated local authorities of voting or ballot machines for receiving and registering the vote in one or more precincts of any county, or city and county, city, or town at any or all elections held therein, and for ascertaining the result at such elections, and providing for the punishment of all violations of the provisions of this Act. Com. on E. & E. L.	654		
793	An Act to amend Sections 1197, 1205, and 1211 of the Political Code, relating to election ballots and manner of voting. Com. on E. & E. L.	656	771	1050
794	An Act relating to the revocation by Boards of Police Commissioners in cities and counties of the licenses of retail liquor dealers, and providing certain procedure therefor. Tyrrell of San Francisco.	656	772	1137
795	An Act prescribing the manner and the extent of the powers of Boards of Police Commissioners in cities, and cities and counties, to regulate and govern the police department and the members thereof, of such city, or city and county. Tyrrell of San Francisco	656		
796	An Act to amend Section 343 of the Political Code of the State of California, relating to the number and designation of the civil executive officers of the State of California. Oneal.	657	*1243	
797	An Act to amend Section 368 of the Political Code of the State of California, relating to the manner of appointment of executive officers. Oneal.	657		
798	An Act to repeal Section 2440 of the Political Code of the State of California, relating to the appointment of a Board of Pilot Commissioners for the port of San Francisco. Oneal.	657		
799	An Act to amend Sections 2443, 2444, 2445, and 2446 of the Political Code of the State of California, relating to the powers and duties of the Board of Pilot Commissioners. Oneal.	658		
800	An Act to revoke the license of all pilots for the ports of San Francisco, Mare Island, Vallejo, and Benicia. Oneal.	658		
801	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding thereto a new section, to be numbered 2456, relating to certain powers and duties of the Board of State Harbor Commissioners, in connection with pilot regulations for the ports of San Francisco, Mare Island, and Benicia. Oneal.	658		
802	An Act to amend Section 2462 of the Political Code of the State of California, relating to the causes for which pilots may be deprived of their licenses. Oneal.	658		
803	An Act to amend Section 2457 of the Political Code of the State of California, relating to the appointment of pilots for the ports of San Francisco, Mare Island, and Benicia, their compensation and duties. Oneal.	658		
804	An Act to repeal Section 2460 of the Political Code of the State of California, relating to reports to be made by pilots of the ports of San Francisco, Mare Island, Vallejo, and Benicia to the Board of Pilot Commissioners for said ports. Oneal.	658		
805	An Act to amend Section 478 of the Civil Code of the State of California, relating to grants of State lands to railroad corporations. Selvage.	658		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. r Vetoed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Asmblly
806	An Act to amend Section 159 of an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, relating to county and township officers of counties of the second class, and providing for the appointment of assistants, deputies, clerks, and employes of such officers, and for the compensation of such officers, their assistants, deputies, clerks, and employes. Savage	658		
807	An Act to prevent the blacklisting of employes. Sanford	659		
808	An Act to appropriate the sum of \$2,400, and authorizing the State Controller to draw his warrant, and the State Treasurer to pay the same. Leavitt	659		
809	An Act to amend Sections 626 <i>d</i> and 626 <i>k</i> of the Penal Code of the State of California, and to add a new section to said Penal Code, to be numbered Section 627 <i>c</i> , relating to game. Nelson	659		
810	An Act to amend Sections 319, 320, 321, 323, 324, 325, and 326 of the Penal Code of the State of California, relating to lotteries, and providing that any person who engages therein, either by his labor or capital, is guilty of felony. French	659		
811	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be numbered Section 622 <i>a</i> , relating to taxation of insurance companies other than life. Lukens	659	1174	1236
812	An Act to amend the Political Code of the State of California by adding thereto a new section, to be known as Section 1474 <i>a</i> , relating to commissions for University of California cadets who served in the United States Army or Navy during the Spanish-American war. Lukens	659		
813	An Act to amend Section 36 of an Act entitled "An Act to amend an Act entitled 'An Act to establish a uniform system of county and township governments,' approved April 1, 1897, by amending certain sections thereof, repealing certain other sections, and adding certain sections thereto," approved March 23, 1901, relating to counties of the thirty-second class, and to the powers and compensation of the officers thereof, and in the amendment to the compensation of the County Surveyor. Shortridge	659		
814	An Act to provide for locating, surveying, and maintaining a State highway from Pescadero, in the County of San Mateo, to the Santa Cruz County line, to connect with a road to the California Redwood Park, and making an appropriation therefor. Shortridge	659		
815	An Act to add a new section to the Penal Code, to be known as Section 1132, relating to evidence of larceny, embezzlement, and obtaining money or property by false pretenses. Curtin	659		
816	An Act to amend Section 166 of the Penal Code, relating to contempts of court. Curtin	659		
817	An Act to add a new section to the Penal Code, to be known and designated as section one hundred and sixty-six and one-half, relating to certain contempts of court in the trial of felony cases. Curtin	660		
818	An Act to amend Section 7 of the Penal Code, relating to definitions. Com. on Code Revision	660		
819	An Act to amend Section 27 of the Penal Code, and to add a new section thereto, to be numbered 26 <i>a</i> , both relating to persons liable to punishment for crime. Com. on Code Revision	660		
820	An Act to amend Sections 42, 45, 46, 47, 49, 50, 51, 55, 57, 59, and 62 of the Penal Code, and to add six new sections thereto, to be numbered 42 <i>a</i> , 49 <i>a</i> , 54 <i>a</i> , 54 <i>b</i> , 55 <i>a</i> , 57 <i>a</i> , and 63 <i>b</i> , all relating to crimes against the elective franchise. Com. on Code Revision	660		
821	An Act to amend Section 76 of the Penal Code, and to add a new section thereto, to be numbered 74 <i>a</i> , both relating to crimes by and against the executive power of the State. Com. on Code Revision	660		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Assembly.
822	An Act to amend Sections 94 and 100 of the Penal Code, both relating to bribery and corruption. Com. on Code Revision	660		
823	An Act to amend Sections 109, 110, 111 of the Penal Code, all relating to unlawful escapes of prisoners and the aiding therein. Com. on Code Revision	660		
824	An Act to amend Sections 119, 121, and 124 of the Penal Code, and to add two new sections thereto, to be numbered 118a and 129, all relating to perjury. Com. on Code Revision	660		
825	An Act to amend Sections 159½, 165, 167, 168, 171, and 172, and to repeal Sections 178, 179, and 180 of the Penal Code, approved February 10, 1899, and to add four new sections thereto, to be numbered 161a, 171a, 171b, and 171c, all relating to offenses against public justice. Com. on Code Revision	660		
826	An Act to amend Section 207 of the Penal Code, relating to kidnapping. Com. on Code Revision	660		
827	An Act to amend Section 218 of the Penal Code, and to add a new section thereto, to be numbered 214, both relating to unlawful interference with railway tracks and trains. Com. on Code Revision	660		
828	An Act to add seven new sections to the Penal Code, relating to the prostituting of women. Com. on Code Revision	660		
829	An Act to add two new sections to the Penal Code, to be numbered 269a and 269b, relating to open and notorious fornication and adultery. Com. on Code Revision	660		
830	An Act to amend Sections 270 and 272 of the Penal Code, and to add new sections thereto, to be numbered 271a, 273, 273a, 273b, 273c, 273d and 273e, all relating to crimes against children. Com. on Code Revision	661		
831	An Act to amend Sections 302 and 307, and to repeal Sections 303, 306, and 310½ of the Penal Code, all relating to crimes against religion. Com. on Code Revision	661		
832	An Act to amend Section 315 of the Penal Code, relating to houses of ill-fame. Com. on Code Revision	661		
833	An Act to amend Section 343 of the Penal Code, relating to pawnbrokers. Com. on Code Revision	661		
834	An Act to add a new section to the Penal Code, to be numbered 347a, relating to the sale of poisons. Com. on Code Revision	661		
835	An Act to add a new section to the Penal Code, to be numbered 349a, relating to the preventing of fraud and imposition in the stamping and labeling of produce and manufactured goods. Com. on Code Revision	661		
836	An Act to amend Section 360 of the Penal Code, relating to marriages. Com. on Code Revision	661		
837	An Act to amend Sections 374, 376, 382, 383, 384, 397, and 400, and to renumber Sections 402¼ and 402½, and to add new sections thereto, to be numbered 369a, 369b, 369c, 369d, 369e, 369f, 369h, 375a, 383a, 384a, 384b, 384c, 397a, 397b, 401a, 402c, all relating to crimes against the public health and safety. Com. on Code Revision	661		
838	An Act to add two new sections to the Penal Code, both relating to unlawfully and fraudulently riding on railroads. Com. on Code Revision	661		
839	An Act to add a new section to the Penal Code, to be numbered 420, relating to obstructing persons from entering upon public lands of the United States. Com. on Code Revision	661		
840	An Act to amend Sections 470, 474, 481, and 482 of the Penal Code, relating to forgeries and counterfeiting. Com. on Code Revision	661		
841	An Act to amend Sections 487, 496, 497, 498, and 500, and renumber Section 502½ of the Penal Code, all relating to larceny. Com. on Code Revision	661		
842	An Act to amend Sections 512, 513, and 514 of the Penal Code, and to add a new section thereto, to be numbered 515, all relating to embezzlement. Com. on Code Revision	661		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoes.

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
843	An Act to amend Section 522 of the Penal Code, relating to extortion. Com. on Code Revision.	661		
844	An Act to amend Sections 529, 530, 532, 537, approved March 1, 1889, 537½, and 538, and to renumber Section 538½, and to repeal Sections 531 and 537, approved March 9, 1893, of the Penal Code, and to add a new section thereto, to be numbered 538b, all relating to false personation and cheats. Com. on Code Revision.	662		
845	An Act to amend Sections 561, 562, and 564 of the Penal Code, all relating to fraud in the management of corporations. Com. on Code Revision.	662		
846	An Act to amend Sections 587 and 591 of the Penal Code, and add two new sections thereto, to be numbered 587a and 593a, all relating to malicious injuries. Com. on Code Revision.	662		
847	An Act to amend Section 597 of the Penal Code, and to add nine new sections thereto, all relating to cruelty to animals. Com. on Code Revision.	662		
848	An Act to add a new section to the Penal Code, to be numbered 597g, relating to offenses against public decency. Com. on Code Revision.	662		
849	An Act to amend Sections 601, 602, and 609, and to repeal Section 603 of the Penal Code, and to add new sections thereto, to be numbered 598a and 599, all relating to malicious mischief. Com. on Code Revision.	662		
850	An Act to add four new sections to the Penal Code, all relating to the dangerous use or keeping of explosives. Com. on Code Revision.	662		
851	An Act to amend Sections 619, 620, 621, 638, 639, 640, and 641 of the Penal Code, all relating to telegraphic and telephonic messages. Com. on Code Revision.	662		
852	An Act to add three new sections to the Penal Code, all relating to crimes against employes. Com. on Code Revision.	662		
853	An Act to amend Sections 758 and 769, and to repeal Section 772 of the Penal Code, all relating to the removal of officers otherwise than by impeachment. Com. on Code Revision.	662		
854	An Act to amend Sections 777, 784, 789 of the Penal Code, and to add new sections thereto, to be numbered 778a and 778b, all relating to the local jurisdiction of public offenses. Com. on Code Revision.	662		
855	An Act to amend Sections 836 and 840 of the Penal Code, both relating to arrests. Com. on Code Revision.	662		
856	An Act to amend Sections 872 and 882 of the Penal Code, both relating to the examination of persons accused of crime, and the testimony taken thereat. Com. on Code Revision.	662		
857	An Act to amend Sections 915, 919, 923, 925, and to repeal Sections 907, 908, 909, 910, 916, 931, 932, 933, 934, 935, 936, and 937 of the Penal Code, all relating to proceedings by and before grand juries. Com. on Code Revision.	662		
858	An Act to amend Sections 954, 969, 1004, 1008, and 1020 of the Penal Code, and to add a new section thereto, to be numbered 1025, all relating to pleadings in criminal cases. Com. on Code Revision.	663		
859	An Act to amend Sections 1033 and 1034 of the Penal Code, both relating to the change of the place of trial in criminal cases. Com. on Code Revision.	663		
860	An Act to amend Sections 1108 and 1110 and to repeal Section 1125 of the Penal Code, and to add new sections thereto, to be numbered 1103a and 1112, all relating to evidence necessary to convict in certain criminal cases. Com. on Code Revision.	663		
861	An Act to amend Sections 1170, 1171, 1174, and 1176 of the Penal Code, all relating to bills of exception in criminal cases. Com. on Code Revision.	663		
862	An Act to amend Sections 1185, 1186, and 1187 of the Penal Code, all relating to arrest of judgments in criminal cases. Com. on Code Revision.	663		
863	An Act to amend Sections 1191, 1201, 1206, 1207 of the Penal Code, all relating to judgments in criminal cases. Com. on Code Revision.	663		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoes.

Number	TITLE.	Intro- duced.	Passed Senate	Passed As mdy
864	An Act to amend Sections 1214, 1216, 1217, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, and 1229 of the Penal Code, all relating to the execution of judgments in criminal cases. Com. on Code Revision	663		
865	An Act to amend Sections 1235, 1238, 1239, 1240, 1241, 1245, 1246, and 1264 of the Penal Code, all relating to appeals in criminal cases. Com. on Code Revision	663		
866	An Act to amend Sections 1305, 1306, and 1307 of the Penal Code, all relating to the forfeiture of bail in criminal cases. Com. on Code Revision	663		
867	An Act to amend Sections 1335, 1336, 1337, 1338, 1339, 1340, and 1341 of the Penal Code, all relating to the conditional examination of witnesses in criminal cases. Com. on Code Revision	663		
868	An Act to amend Sections 1370, 1372, and 1373 of the Penal Code, all relating to inquiries into the sanity of the defendant in criminal cases. Com. on Code Revision	663		
869	An Act to amend Section 1388, and to repeal Section 1389 of the Penal Code, both relating to criminal prosecutions against minors. Com. on Code Revision	663		
870	An Act to amend Sections 1390 and 1391 of the Penal Code, both relating to criminal prosecutions against corporations. Com. on Code Revision	664		
871	An Act to amend Sections 1427 and 1446 of the Penal Code, and to add a new section thereto, to be numbered 1425, all relating to proceedings in justices' and police courts. Com. on Code Revision	664		
872	An Act to amend Section 1475 of the Penal Code, relating to the writ of habeas corpus. Com. on Code Revision	664		
873	An Act to amend Sections 1510, 1512, 1513, and 1515 of the Penal Code, and to add new sections thereto, to be numbered 1511a, 1511b, 1514a, 1520, and 1521, all relating to coroners. Com. on Code Revision	664		
874	An Act to amend Section 1541 of the Penal Code, relating to search warrants. Com. on Code Revision	664		
875	An Act to add a new section to the Penal Code, to be numbered 1541a, relating to rewards. Com. on Code Revision	664		
876	An Act to repeal Title I of Part III of the Penal Code, relating to State prisons. Com. on Code Revision	664		
877	An Act to amend Sections 1603 and 1605 of the Penal Code, and to add a new section thereto, to be numbered 1615, all relating to county jails. Com. on Code Revision	664		
878	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto a new section, to be numbered 332½, relating to slot machines. Corlett	664		
879	An Act to prohibit the use of card machines played for drinks or cigars. Corlett	664		
880	An Act to add a new section to the Penal Code, to be known as and numbered 578½, relating to dealing in options, and repealing all Acts and parts of Acts in conflict herewith, and providing a penalty for the violation of the provisions thereof. Corlett	664		
881	An Act to repeal an Act entitled "An Act to create and establish a commission for revising, systematizing, and reforming the laws of this State, and for the appointment of the members of said commission, to be known as 'The Commissioners for the Revision and Reform of the Law,' and to prescribe their powers and duties, and to authorize the appointment of a secretary and stenographer therefor, and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor," as approved March 28, 1895. Com. on Commissions, Retrenchment, and Reform	672	1212	1271
882	An Act to add a new section to the Political Code of the State of California, to be known as Section 460, relating to the office of the Treasurer of State. Hubbell	672	1072	1316

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoeed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Assembly.
883	An Act to amend Section 1 of an Act entitled "An Act to form agricultural districts, to provide for formation of agricultural associations therein, and for the management and control of the same by the State, and to repeal all Acts and parts of Acts in conflict with this Act," approved March 31, 1897, as amended by an Act approved March 15, 1901, by constituting the County of Tulare the twenty-fourth district, and the County of Kings the forty-sixth district. Hubbell.	672		
884	An Act regulating the rates to be charged by any person, firm, company, or corporation for transportation in or upon any sleeping car operated over or upon or under the management of any railroad within this State. Tyrrell of San Francisco.	672		
885	An Act making an appropriation to pay the expenses of legislative printing for the thirty-fifth session. Nelson.	673		
886	An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, or upon any chance, casualty, or uncertain or contingent event, and the maintaining of places wherein poolselling or bookmaking is carried on, except when said pools are sold or said bookmaking is carried on within the racetrack, enclosure, fair grounds, or buildings wherein such trial or contest of skill, speed, or power of endurance, of, by, or between men, animals, or machines, shall be had and occur, and upon the days when such trials or contests actually occur or are had, and to provide a punishment for the violation of this Act. Belshaw.	673		
887	An Act to amend Sections 3, 4, and 6 of an Act entitled "An Act to create a firemen's relief, health and life insurance and pension fund in the several counties, cities and counties, and cities and towns of the State of California," which Act became a law under the provisions of the Constitution, without the Governor's approval. Savage.	673	755	1109
888	An Act to amend Sections 3790, 3793, 3803, 3820, 3821, 3823, 3826, 3829, 3831, 3840, 3841, 3845, 3846, 3851, 3853, 3854, 3857, 3858, 3860, and 3862, all relating to revenue and taxation. Savage.	673		
889	An Act to pay the claim of Louis Shuckman, and making an appropriation therefor. Coggins.	673	1053	1304
890	An Act to prohibit the selling of pools and bookmaking on any trial or contest of skill, speed or power of endurance of, by, or between men, animals or machines, or upon any chance, casualty, or uncertain or contingent event, and the maintaining of places wherein poolselling or bookmaking is carried on, except when said pools are sold or said bookmaking is carried on within the race-track, enclosure, fair grounds, or buildings wherein such trial or contest of skill, speed, or power of endurance of, by, or between men, animals or machines, shall be had and occur, and upon the days when such trials or contests actually occur or are had, and to provide a punishment for the violation of this Act. Emmons.	673		
891	An Act to amend Section 3617 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the definition of terms. Emmons.	673		
892	An Act to amend Section 4119 of the Political Code, relating to the residence of certain county officers. Emmons.	674		
893	An Act to enforce the educational rights of children, and providing penalties for the violation of the Act. Oneal.	674		
894	An Act amending Section 338 of the Political Code, to be numbered 338½, relating to the time within which certain actions may be commenced. Sanford.	674		
895	An Act to appropriate money to pay the claim of C. S. MacMullan. Williams.	674		
896	An Act to amend Section 2524 of the Political Code of the State of California, conferring certain powers on the State Board of Harbor Commissioners. Lardner.	674	1223	

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced.	Passed Senate.	Passed Asmby.
897	An Act authorizing the Board of Directors of the Industrial Home of Mechanical Trades for the Adult Blind of the State of California to sell and convey a portion of the lands thereof for the purpose of straightening the boundary line of adjacent property, and providing for the disposition of the selling price. Lukens.....	674		
898	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the obligations of employers. Selva.....	674		
899	An Act amending the Civil Code of the State of California, by adding thereto a new section, numbered 605, authorizing corporations now or hereafter organized for purposes other than profit to consolidate their debts, property, assets, and franchises, with another like association or corporation, either created under the laws of the State of California or under the laws of any other State or Territory. Pendleton.....	674	1004	1304
900	An Act to amend an Act entitled "An Act authorizing certain corporations to act as executor and in other capacities and to provide for and regulate the administration of trusts by such corporations," approved April 6, 1891, and relating to disclosures confidentially made to the officers of the corporations named in said Act and authorized to discharge the duties therein provided for. Pendleton.....	674		
901	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 173 thereof. Flint.....	674		
902	An Act authorizing the Board of State Capitol Commissioners to provide a temporary residence for the Governor, and making an appropriation therefor. Devlin.....	774		
903	An Act regulating the traveling and other expenses of the directors and trustees of State institutions and abolishing all compensation for attendance. Com. on Finance.....	774		
904	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 192 thereof, relating to counties of the thirty-fifth class. Ralston.....	777		
905	An Act to amend an Act entitled "An Act to establish a uniform system of county and township governments," approved April 1, 1897, and as amended March 23, 1901, by amending Section 190 thereof, relating to counties of the thirty-third class. Ralston.....	777	1212	1313
906	An Act to authorize cities to acquire and operate a joint system or systems of water supply. Lukens.....	825	1209	1313
907	An Act to appropriate money for the purchase of a silver service for the cruiser "California." Knowland.....	825	1260	†1313
908	An Act making an appropriation to pay the claim of the County of Butte for moneys expended in behalf of the State of California for the support of the orphans, half orphans, and abandoned children. Diggs.....	846		
909	An Act making an appropriation to pay the claim of the County of San Benito for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children. Flint.....	846	*1232	
910	An Act making an appropriation to pay the claim of the County of San Luis Obispo for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children. Flint.....	846	*1232	
911	An Act making an appropriation to pay the claim of the County of Monterey for moneys expended in behalf of the State of California for the support of orphans, half orphans, and abandoned children. Flint.....	846		
912	An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session. Com. on Finance.	868	1074	1108
913	An Act authorizing the Commissioner of Public Works to obtain a right of way for a canal to divert the waters of Mormon Channel into the Calaveras River. Muenter.....	983	995	1015

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
914	An Act to appropriate the sum of \$5,000 to pay the amount of a judgment against the State of California and in favor of Robert Y. Hayne, and directing the State Controller to draw his warrant for the same and the State Treasurer to pay the same. Byrnes.....	993	1018	1068
915	An Act making an appropriation to pay the claim of the County of Marin against the State of California. Ward.....	1016	1114	1236
916	An Act creating a Board of Bank Commissioners, and prescribing their duties and powers. Com. on Banking.....	1016	1088	1145
917	An Act to add four new sections to the Civil Code, to be numbered 581, 582, 583, and 583a, relating to banks and banking. Com. on Banking.....	1016	1089	1166
918	An Act to amend the Political Code of the State of California by adding a new section thereto, to be numbered Section 2524a, relating to the powers of the Board of State Harbor Commissioners. Devlin.....	1017		
919	An Act making an appropriation to pay the claim of Martin Brothers against the State of California. Knowland.....	1072	*1193	
920	An Act to repeal an Act entitled "An Act to prevent the introduction, and provide for the investigation and suppression of contagious or infectious diseases, and appropriating money to be used for such purposes, approved February 19, 1901. Knowland.....	1072	1231	1316
921	An Act to amend Section 159½ of the Penal Code, making it a misdemeanor to advertise to obtain or procure a divorce, or nullity of a marriage, or in anywise to advertise the word divorce, or any word affecting domestic relations. Hahn.....	1072		
922	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by amending Section 1192 thereof, relating to liens upon real property and the improvements thereon. Lardner.....	1072	1262	
923	An Act to amend Section 6 of an Act entitled "An Act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for officers of said courts, and fix the compensation of certain officers thereof," approved March 5, 1901. Smith.....	1072		
924	An Act making an appropriation to pay the claim of George M. Hawley, as the duly qualified and acting administrator of the estate of James E. Hale, deceased, and Thomas M. Nosler, against the State of California, and providing the manner of paying the same. Lardner.....	1114	1191	1272
925	An Act to purchase from William Cogswell two paintings, one of ex-President Abraham Lincoln, and the other of ex-President William McKinley, the same to be hung in the State Capitol building, and to appropriate the sum of fifteen hundred dollars therefor. Com. on Finance.....	1116	1207	1313
926	An Act to amend Section 3521 of the Political Code, relating to the time when patents can be issued. Pendleton.....	1136	1158	1250
927	An Act making an appropriation to pay the contingent expenses of the Senate, thirty-fifth session. Leavitt.....	1216	1230	1237

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

SENATE RESOLUTIONS.

Number	TITLE.	Intro- duced	Passed Senate	Passed As mblly
SENATE JOINT RESOLUTIONS.				
1	Relative to House Resolution 14,898, entitled "An Act relating to jurisdiction on appeals in the Court of Appeals in the District of Columbia, and transcripts on appeal in said court, and to quiet title to public lands." Belshaw.....	97	100	138
2	Relative to Tioga road. Hubbell.....	100		
3	Relative to the "Omnibus Statehood Bill" now pending in Congress. Sanford.....	100		
4	Relative to an appropriation by Congress for the purchase of Nacimiento Ranch for a military instruction camp. Flint..	150	183 (688	222
5	Relative to Venezuela affairs. Emmons.....	213	† 69 (* 1095	
6	Instructing our Senators in Congress to vote against the ratification of the proposed treaty with Cuba reducing the duty upon sugar and upon other products of the State of California. Devlin.....	213		
7	Memorializing our Senators and Representatives in Congress to support a resolution introduced in the House of Representatives by Hon. A. C. Dayton of West Virginia, opening the way for a rapid increase of the United States Navy. Hahn.....	272	564	
8	Relating to the purchasing and making free by the United States Government of the toll roads over the Yosemite National Park, in the State of California. Curtin.....		565	678
9	Relative to the claim of Jessie Benton Fremont's heirs to compensation for property taken by the United States for public purposes, in 1863. Smith.....	441	857	1166
10	Requesting the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution providing for the election of United States Senators by a direct vote of the people. Sanford.....	514	* 1062	
11	Memorializing Congress to give consideration to House Bill 11,538, relative to the purchase or condemnation of the principal grove of the California Sequoia gigantea in Calaveras County. Knowland.....	535	824	844
12	Relative to a bill pending in the Congress of the United States, establishing a library post. Lukens.....	553	* 1007	
13	Relative to the proposed transfer to Washington by the Secretary of the Interior of the old and valuable Spanish archives of California. Knowland.....	557	610	630
14	Referring to appointment of the Hon. Chester Rowell as a member of the Isthmian Canal Commission. Knowland.....	611	618	626
15	Requesting our Senators and Representatives in Congress to have the battle ships of the United States built in the navy yards of the United States. Luchsinger.....	948	993	1013
SENATE CONCURRENT RESOLUTIONS.				
1	Relative to inaugural ceremonies. Lukens.....	12	12	14
2	Relative to death of Hon. J. H. Seawell, ex-member of either house. Sanford.....	72	73	
3	Relative to death of Hon. Lawrence J. Dwyer. Welch.....	85	86	
4	Approving thirteen certain amendments to the Charter of the City of Los Angeles, in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of the said City of Los Angeles at the general municipal election held therein for that purpose on the first day of December, 1902. Smith.....	111	174	222

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoeed.

Number	TITLE.	Intro- duced	Passed Senate.	Passed Assembly
5	Relative to approving seven certain amendments to the City Charter of the City of San Francisco. Welch	132	198	256
6	Relative to receiving President of the United States. Smith	132	551	626
7	Relative to the creation of proposed forest reserves in the State of California, and requesting the Boards of Supervisors and District Attorneys of counties therein affected thereby to gather and compile data, information, statistics, and maps showing the injurious effects of the creation of such reserves. Coggins	186	328	423
8	Relative to the consent of the Legislature to the absence of His Excellency George C. Pardee, Governor of the State of California, from the State for more than sixty days. Lukens	213	264	298
9	That a joint committee consisting of three Assemblymen and three Senators, be appointed by the Speaker of the Assembly and the President of the Senate to draft resolutions of respect to the memory of the late ex-Assemblyman and ex-State Senator Hon. F. C. Franck, a representative of Santa Clara County. Shortridge	213	247	275
10	Relative to Charter of Salinas City. Flint	213	389	401
11	Relative to approving the Charter of the City of Watsonville, a municipal corporation of the County of Santa Cruz, State of California, voted for and ratified by the qualified voters of said city at a special election held therein for that purpose on the 30th day of August, 1902. Byrnes	341		
12	Approving the Charter of the City of Santa Rosa, in Sonoma County, California, which was voted for by the qualified electors of said city at a general election held therein for the purpose, among other things, of ratifying said charter, on the second day of April, 1902. Woodward	460	732	811
13	Approving twelve amendments to the Charter of the City of Napa, a municipal corporation, in the County of Napa, State of California, submitted to and voted for and ratified by the qualified electors of said city at a special election held therein for that purpose on the 16th day of February, 1903. Corlett	653		
14	Relative to adjourning sine die. Hahn	698		
15	Relative to the consent of the Legislature to absence from the State of State Senator C. W. Pendleton, for a period not to exceed six months. Devlin	774	870	919
16	Approving amendments to the Charter of San José. Oneal	777	803	811
17	Relative to the consent of the Legislature to absence from the State of State Superintendent of Public Instruction Thomas J. Kirk for a period not to exceed three months (90 days) at any one period. Rowell	1114		
18	Relative to the consent of the Legislature to absence from the State of State Printer W. W. Shannon for a period not to exceed ninety days at any one period. Nelson	1115	1259	
19	Relative to the printing for distribution by the Secretary of State to certain county officers of additional copies of Senate Bills Nos. 792 and 793. Belshaw	1159	1221	1236

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoes.

CONSTITUTIONAL AMENDMENTS.

Number	TITLE.	Intro- duced	Passed Senate	Passed As mblly
SENATE CONSTITUTIONAL AMENDMENTS.				
1	To propose to the people of the State of California an amend- ment to the Constitution of the State, by amending Section 4 of Article II thereof, relating to the gain or loss of residence of voters. Bunkers.....	108	†538	
2	To propose to the people of the State of California amend- ing the Constitution of the State of California by amend- ing Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23, and 24 of Article VI thereof, relating to the judiciary and establishing courts of appeal. Hahn.....	109	†1252 ‡1270 ||1279	1304
3	To propose to the people of the State of California an amend- ment to Article XI of the Constitution, providing for the framing and adoption of county government Acts by the voters. Emmons.....	113	†688	
4	A resolution to propose to the people of the State of Cali- fornia an amendment to the Constitution by adding thereto a new section to Article IX, to be known as Section 12, relating to the exemption from taxation of the property now or hereafter belonging to the "California Academy of Sciences." Bauer.....	114	203	319
5	A resolution proposing to the people of the State of California amendments to the Constitution of the State amending Section 2 of Article VI, changing the number of Justices of the Supreme Court from six to nine, and the number of departments from two to three; providing that the concu- rence of six Justices shall be necessary to pronounce a judg- ment in bank; abolishing the office of Supreme Court Commissioner, and providing that the Governor shall appoint three additional Justices to hold until their successors are elected and qualified, and that the Legislature may, when- ever in its opinion the public welfare will so warrant, reduce the number of Associate Justices to six, and the number of departments of the Supreme Court to two. Hubbell.....	119	*871	
6	A resolution to propose to the people of the State of California an amendment to Section 2 of Article IV of the Constitution of the State of California, in relation to sessions of the Legis- lature. Emmons.....	121		
7	To propose to the people of the State of California an amend- ment to the Constitution of the State of California by amend- ing Section 8 of Article I thereof, relating to offenses. Caldwell.....	131	†424	
8	To propose to the people of the State of California an amend- ment to the Constitution of the State amending Section 17 of Article VI thereof, relating to the salaries of Justices of the Supreme Court and Judges of the Superior Court and the manner of payment thereof. Tyrrell of San Francisco....	132		
9	To propose to the people of the State of California an amend- ment to the Constitution of the State amending Section 1 of Article IV, providing a system of direct legislation in the State of California, by means of the initiative and referendum. Hubbell.....	141	†414	
10	To propose to the people of the State of California an amend- ment to the Constitution of the State, amending Article XI by adding thereto a new section, to be numbered Section 20, providing a system of direct legislation by means of the initiative and referendum, in counties, cities and counties, and cities. Hubbell.....	141	†416	
11	A resolution to propose to the people of the State of Cali- fornia an amendment to the Constitution of the State of California amending Article XIII of the State Constitution by adding thereto a new section, to be numbered 13½, relative to exemption of shipping from taxation. Savage.....	150	866	1013

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoed.

Number	TITLE.	Intro- duced	Passed Senate	Passed Assembly
12	To propose to the people of the State of California an amendment to the Constitution of the State amending Section 17 of Article VI thereof, relating to the compensation of Justices of the Supreme Court and of Judges of the Superior Court. Pendleton	156	*1008	
13	A resolution proposing to the people of the State of California an amendment to the Constitution of the State by amending Section 2 of Article IV thereof, relating to the time of assembling of the Legislature, and by amending Section 4 of Article V thereof, relating to declaring elections of Governor. Devlin	189		
14	A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 8½ of Article XI, relating to cities, counties, and towns. Belshaw	213	*317	
15	A resolution proposing to the people of the State of California an amendment to the Constitution of the State amending Section 16 of Article XX of the Constitution, relating to the term of any officer or commissioner. Belshaw	213		
16	Submitting to the people of the State of California an amendment to the Constitution amending Section 1, Article XX, of the Constitution of the State of California, relative to the seat of government of said State and the manner of changing the same. Oneal	231	†819	
17	To propose to the people of the State of California an amendment to the Constitution of the State amending Section 23 of Article IV thereof, relative to the compensation of members of the Legislature. Bunkers	258		
18	To propose to the people of the State of California an amendment to the Constitution of the State amending Section 2 of Article IV thereof, relating to the sessions of the Legislature. Bunkers	258		
19	A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California amending Sections 2 and 23 of Article IV of said Constitution, relating to compensation of Senators and Assemblymen for their services as such, and designating the officers and employes of the Senate and House, and providing for biennial and special sessions of the Legislature. Hubbell	335	*636	
20	A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Sections 2 and 23 of Article IV thereof, relating to the length of legislative sessions, the compensation of members of the Legislature, and limiting the number of employes of the Senate and Assembly. Sanford	407	1240	1249
21	To propose to the people of the State of California an amendment to the Constitution of the State amending Section 7 of Article IX thereof, relating to free text-books for use in the common schools throughout the State. Emmons	423		
22	Submitting to the people of the State of California an amendment to the Constitution amending Section 7 of Article IX of the Constitution of the State of California, relative to the State Board of Education and their duties and County Boards of Education and their duties. Oneal	617		
23	A resolution proposing to the people of the State of California an amendment to the Constitution of the State of California by amending Section 14 of Article XII thereof, relating to corporations. Sanford	674		
24	To propose to the people of the State of California an amendment to the Constitution of the State amending Section 3 of Article XII, relative to the individual liability of stockholders in corporations. Belshaw	1071		
25	To propose to the people of the State of California an amendment to the Constitution of the State repealing Section 15 of Article XII, relative to restrictions upon corporations organized outside this State. Belshaw	1071		

* Withdrawn. † Refused passage. ‡ Reconsidered. || Passed. v Vetoes.

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